



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

September 17, 2019
REGULAR MEETING
CLOSED SESSION 5:30 PM
OPEN SESSION 6:00 PM
AGENDA

REQUESTS TO ADDRESS COUNCIL

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* Council has established time limitations of two (2) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b)).** Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

Council Members: David Pittman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code Section 54957(b), the Council will meet City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: Finance Director

OPEN SESSION

1. Announcement from Closed Session
2. Pledge of Allegiance
3. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

1. Veterans Housing and Community Development Presentation
2. California Health Collaborative Presentation - Restricting the sale of Flavored Tobacco products

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

CONSENT CALENDAR

Consent calendar **items 1 - 6** are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. APPROVAL OF THE MINUTES

The City Council may approve the minutes of September 3, 2019.

RECOMMENDATION

Approve the minutes of September 3, 2019.

2. CONSIDER AND APPROVE AMENDING JOB DESCRIPTION FOR FIRE FIGHTER

The City Council will consider and adopt an amended job description for Fire Fighter.

RECOMMENDATION

Approve the attached amended job descriptions for Fire Fighter.

3. FORECLOSURE OF CITY PROPERTY LOCATED AT 1250 ROBINSON ST.

The Council may consider initiating foreclosure proceedings related to the City of Oroville's security interest in the Deed of Trust against the property located at 1250 Robinson St.

RECOMMENDATION

Adopt Resolution No. 8814 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE ACTING CITY ADMINISTRATOR AND/OR MAYOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTIES LOCATED AT 1250 ROBINSON ST., OROVILLE - (012-02-2139).

4. REQUEST FOR STREET NAME CHANGE

The council may approve the two proposed names of streets. One is a name change for a new development and the other is a new court for a subdivide parcel.

RECOMMENDATION

Staff recommends approving the names suggested and adding them to the City Map.

5. STATE ROUTE 162 PEDESTRIAN/BICYCLE DISABLED MOBILITY AND SAFETY IMPROVEMENTS PROJECT DESIGN AND MANAGEMENT CONTRACT

The Council may consider approving the selection of Mark Thomas and Co to provide design and project management services for the Grant funded State Route 162 Pedestrian/Bicycle Disabled Mobility and Safety Improvements Project.

RECOMMENDATION

Approve the selection of Mark Thomas & Co and authorize the Mayor to sign the Contract for Design Services.

6. AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSAL FOR JANITORIAL SERVICE AT CITY HALL

The Council may provide direction to the City Administrator to release a Request for Proposal (RFP) for Janitorial services for City Hall, 1735 Montgomery Street.

RECOMMENDATION

Authorize Staff to release a Request for Proposal for Janitorial Services at City Hall, 1735 Montgomery Street.

REGULAR BUSINESS

7. EXECUTIVE STRUCTURE REORGANIZATION

The Council may consider approving the restructure of the executive structure of the City and authorize the recruitment and reclassification of employees to fill those positions.

RECOMMENDATION

Adopt Resolution No. 8815 - A Resolution of the Oroville City Council to authorize the restructure of the Executive leadership team and adopt salary schedule as listed above.

8. POTENTIAL CHARTER AMENDMENTS AND TIMELINE

The Council may direct staff to initiate the process to amend the Charter. Direction should include sections of Charter to be amended and timeline.

RECOMMENDATIONS

Provide staff direction

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports
2. Future Agenda Items
3. Administration Reports
4. Correspondence

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on October 1, 2019 at 5:30 p.m.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.



**September 03, 2019
MINUTES**

This agenda was posted on August 30, 2019 at 2:30pm. This meeting was recorded and may be viewed on cityoforoville.org or YouTube.

CALL TO ORDER / ROLL CALL

Mayor Reynolds called the meeting to order at 5:30pm.

PRESENT: Council Members: David Pittman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

ABSENT: None

STAFF: City Administrator Bill LaGrone, Assistant City Clerk Jackie Glover, Finance Director Ruth Wright, Project Manager Tom Lando, Chief Joe Deal, Community Development Director Leo DePaola, Planner Wes Ervin, Lieutenant Gil Zarate, Deputy Fire Chief Chris Tenns, Treasurer Karolyn Fairbanks, City Attorney Sam Emerson

CLOSED SESSION

The council convened to closed session at 5:31pm. The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
2. Pursuant to Government Code section 54956.9(d)(2), the Council met with the City Administrator and City Attorney regarding potential exposure to litigation – one case

OPEN SESSION

The council reconvened from closed session at 6pm.

1. Announcement from Closed Session – Direction given; no action taken
2. Pledge of Allegiance – Led by Mayor Reynolds
3. Adoption of Agenda – Motion by Council Member Goodson and second by Smith to adopt the agenda. Motion passed.

AYES: Smith, Hatley, Pittman, Goodson, Draper, Thomson, Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

The following individuals addressed the council on non-agenda items:

- Tasha Levinson
- Bill Speer
- The Cameraman

The following individuals addressed the council on agenda items:

- The Cameraman – Item 4
- Cheri Bunker – Item 5

CONSENT CALENDAR

Motion by Council Member Goodson and second by Smith to approve the consent calendar excluding item 3. Motion passed unanimously.

AYES: Smith, Hatley, Pittman, Goodson, Draper, Thomson, Reynolds
NOES: None
ABSTAIN: None
ABSENT: None

1. APPROVAL OF THE MINUTES

City Council approved the City Council Meeting Minutes from August 6, 2019, August 20, 2019 and August 29, 2019.

2. LETTER OF SUPPORT FOR SUPER ELIMINATOR SHOOTOUT DRAG BOAT RACES

The Council authorized a letter of support for California Hot Boat Association Drag Boat Races at the Forebay in Spring 2020.

3. SB2 PLANNING GRANTS PROGRAM APPLICATION TO PROMOTE HOUSING DEVELOPMENT IN OROVILLE

The Council considered approving the filing of an application to The Department of Housing and Community Development (HCD) for \$160,000 to streamline housing approvals and accelerate housing production and direct staff to implement the grant if awarded.

Motion by Council Member Goodson and second by Draper to approve submitting an SB2 Planning Grants Program grant application for \$160,000 to expedite housing development in Oroville and authorizing staff to implement the grant if awarded; and

Adopted Resolution 8812 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS. Motion passed.

AYES: Smith, Hatley, Pittman, Goodson, Draper, Thomson, Reynolds
NOES: None
ABSTAIN: None
ABSENT: None

4. PROJECT UPDATE ON MONTGOMERY STREET ROUNDABOUT PEDESTRIAN SAFETY (Update from November 21, 2017)

On November 21, 2017, staff was directed to proceed with re-striping the intersection, flashing beacons for the crosswalks, and rumble strips to reduce speeds approaching the roundabout. Staff requested approval to release this project for bid.

Motion by Vice Mayor Thomson and second by Council Member Goodson to approve release for bid of plan and specifications for pedestrian safety improvements to Montgomery Street roundabout. Staff will return to Council with bids to award contract. Motion Passed.

AYES: Smith, Hatley, Pittman, Goodson, Draper, Thomson, Reynolds
 NOES: None
 ABSTAIN: None
 ABSENT: None

5. AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSAL FOR FIRE PROTECTION SERVICES FOR THE CITY OF OROVILLE

The Council provided direction to the City Administrator to release a Request for Proposal (RFP) for Fire Protection Services for the City of Oroville.

Motion by Council Member Thomson and second by Council Member Smith to authorize Staff to release a Request for Proposal for Fire Protection services for the City of Oroville. Motion passed.

AYES: Smith, Pittman, Thomson, Reynolds
 NOES: Hatley, Goodson, Draper
 ABSTAIN: None
 ABSENT: None

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports

- a. Draper – Attended the board of supervisors meeting on Aug. 27, they added 4 new positions to address homelessness – attended NAACP meeting.
- b. Smith - Attended Docent Open House Museum Tours, appreciates all their volunteerism
- c. Pittman – SC-OR board is working on increasing capacity – Housing Authority of Butte County – is now focusing on property in Oroville.
- d. Thomson – Attended the Chamber Dinner, excellent turn out, Thanked Eric.
- e. Reynolds – Happy Birthday to Loraine Christensen

2. Future Agenda Items - None

3. Administration Reports

- a. Finance Department Report Attached to Agenda Packet
- b. City Administrator Bill LaGrone – 19th and 20th Council is invited to pick a night and have dinner with the Fire Department and take a ride along – Thanked Kevin Thompson, his business cleaned the lobby floors at city hall for free.
- c. Project Manager Tom Lando – SB 430 passed the Senate, spoke about the 2 million awarded to the city for Camp Fire Recovery. Announced a Meet and Greet for Bill

LaGrone City Administrator on September 18th from 5-7pm at the Table Mountain Golf Course. Drop in event.

Item 1.

- d. Leo DePaola Community Development Director – Reviewed the report that he issued to the council at the meeting. Stated that the planning department will be seeking input from South Oroville for zoning. Stated that more housing is on the horizon.

4. Correspondence

- i. FERC - Determinations of Eligibility and Finding of Effect under Section 106
- ii. City of Oroville Docent Newsletter

ADJOURN THE MEETING

Mayor Reynolds Adjourned the meeting at 7:03pm. A regular meeting of the Oroville City Council will be held on September 17, 2019 at 5:30 p.m.

Approved:

Attested:

Mayor Chuck Reynolds

Assistant City Clerk Jackie Glover



CITY OF OROVILLE STAFF REPORT

TO: OROVILLE CITY COUNCIL

FROM: LIZ EHRENSTROM, HUMAN RESOURCE MANAGER

RE: CONSIDER AND APPROVE AMENDING JOB DESCRIPTION FOR FIRE FIGHTER

DATE: SEPTEMBER 17, 2019

SUMMARY

The City Council will consider and adopt an amended job description for Fire Fighter.

DISCUSSION

The City Council will consider the adoption of the attached amended job description for fire fighter. The current Interim Deputy Fire Chief would like to raise the minimum age of a fire fighter from 18 to 21, change the requirement to have a fire fighter driver’s license endorsement from 60-days to 90-days and to add the requirement for the applicant to have a current Candidate Physical Ability Test (CPAT). Changes to the job description are in red. Staff is recommending approval.

FISCAL IMPACT

None

RECOMMENDATION

Approve the attached amended job descriptions for Fire Fighter.

ATTACHMENTS

Fire Fighter Job Description

FIREFIGHTER

DEFINITION

To engage in firefighting and rescue operations and respond to medical and hazardous materials emergencies to protect life and property; to perform fire prevention activities; and to perform related duties and responsibilities as required.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from a Fire Captain or Incident Commander.

EXAMPLES OF ESSENTIAL FUNCTIONS - *Essential functions may include, but are not limited to, the following:*

Responds to fire alarms and other emergency calls, including but not limited to medical emergencies, hazardous materials incidents, traffic accidents, water rescue, confined space rescue, etc.

In the absence of the Fire Engineer, selects route to be taken to the fire; drives and positions fire apparatus and other fire vehicles in proper location for efficient operation; selects hose nozzle; lays hose line and directs stream of water or chemicals onto fire.

Enters burning buildings as necessary to assess fire scene situation; raises, climbs and lowers ladders; assists in salvage operations; carries and operates chemical fire extinguishers.

Administers first aid, CPR, basic life support and other emergency assistance at the EMT level; operates resuscitators for persons overcome by smoke or other health conditions.

Operates fire pumps.

Maintains contact with superior officer during emergency operations.

Responds to calls for non-emergency public service as appropriate.

Maintains, tests, cleans and ensures the constant readiness of apparatus, trucks and equipment for emergency operations; loads equipment onto trucks; participates in building and grounds maintenance duties.

Participates in fire suppression training and drills.

May conduct fire prevention inspections and programs.

Participates in the installation, inspection and servicing of fire hydrants; tests hoses and hydrants for proper flow and operation.

Presents effective fire prevention and educational programs to school, civic and community groups.

Maintains detailed records and prepares required reports.

May assist in special projects or assignments as required.

Works 24-hour shifts as assigned.

Learns and maintains awareness of fire-related codes and department rules, regulations and procedures; attends training and reads instructional materials to increase job knowledge and skills.

MINIMUM QUALIFICATIONS

Knowledge of:

Basic firefighting methods and equipment.

Emergency rescue methods and equipment.

Principles and procedures of hazardous materials response.

Principles and techniques of modern first aid, rescue, resuscitation and emergency medical services at the EMT level.

Modern office practices and technology, including the use of computers for word and data processing.

Basic methods of report preparation.

Safe work practices.

Ability to:

Learn, understand and apply federal, state and local laws, rules and regulations, as well as departmental policies and procedures, related to fire suppression/prevention operations.

Understand and follow oral and written instructions.

Learn how to function as a team member.

Perform fire suppression duties in accordance with established standards, policies and procedures.

Demonstrate a high degree of mechanical aptitude in the operation and maintenance of firefighting apparatus and equipment.

Properly use and maintain fire suppression, emergency medical and other work-related equipment.

Effectively provide emergency medical treatment at the EMT level.

Analyze fire and emergency situations and employ effective courses of action.

Work under stressful or dangerous conditions, often involving considerable personal risk or risk to others.

React quickly and calmly in emergency situations.

Deal courteously, yet firmly and effectively with the public in emergency situations.

Perform routine building and grounds maintenance duties at fire station.

Learn standard emergency radio procedures and codes.

Maintain detailed records and prepare required reports.

Perform mathematical computations with accuracy.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Meet the physical requirements necessary for successful job performance.

Education:

Graduation from high school or GED equivalent.

Additional Requirements:

Possession of a valid California Class "C" Operator's License and the ability to obtain a **Class "B" license with appropriate fire fighter** endorsements within **60 90** days of appointment.

Possession of California Firefighter I and II certification or completions of course work at a California Certified College Firefighter I Academy.

Possession of valid EMT-D certification.

Applicants must have reached their **18th 21st** birthday by the application deadline.

Completion of CPAT that is less than two years old at the time of job offer.

TYPICAL WORKING CONDITIONS

Work is performed in an indoor and field environment. Incumbent drives on surface streets and may be exposed to traffic and equipment hazards, fire hazards, electrical currents, air contaminants, adverse weather conditions, temperature and noise extremes, wetness, violence, explosives, fumes, dusts, odors, toxic or caustic chemicals, pathogenic substances, vibration, radiation. The employee frequently works in high, precarious

places. Worker is subject to unusual fatigue from irregular working hours / incident call activity.

TYPICAL PHYSICAL REQUIREMENTS

Requires the mobility to work in an indoor and field environment. Requires the ability to stand for long periods of time, and intermittently walk, run, climb, balance, bend, kneel, squat, crawl, twist and reach while performing duties. Must regularly lift and/or move up to 50 pounds frequently and up to 100 pounds occasionally. Must be able to use hands for fingering, handling or feeling objects, tools or controls. Requires the strength and stamina to perform fire suppression duties, including staying on feet for long periods of time, climbing stairs, handling hoses, operating equipment, and driving a motor vehicle. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office and fire suppression equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT**

RE: FORECLOSURE OF CITY PROPERTY LOCATED AT 1250 ROBINSON ST.

DATE: SEPTEMBER 17, 2019

SUMMARY

The Council may consider initiating foreclosure proceedings related to the City of Oroville’s security interest in the Deed of Trust against the property located at 1250 Robinson St.

DISCUSSION

Staff is seeking authorization from the Council to initiate foreclosure on the property located at 1250 Robinson St. The current property owner obtained a loan through the City’s First Time Home Buyer Program in the amount of \$70,875.

The borrowers are in default with the first mortgage, Dovenmuehle Mortgage, Inc. which holds 1st lien position. The approximate payoff amount to cure the default and to secure the City’s lien positions would be approximately \$135,000. Comparable properties show the value of 1250 Robinson St., to be approximately \$252,790.

PROPERTY DESCRIPTION	APPROX. AMOUNT DUE TO PRIMARY LENDER (1 st lien position)	AMOUNT OF CITY LOAN (2 nd)	APPROX. TOTAL AMOUNT DUE	VALUE BASED ON COMPARABLE
1250 Robinson St.	\$135,000	\$70,875 + interest \$6,146	\$212,021	\$252,790

If the City Council authorizes staff to secure the City’s interest in this property; staff is proposing that the property be resold on the open market to recoup homebuyer loan costs and/or transfer property to an affordable housing developer. Staff has not gained access the interior of the

home to determine what, if any, repairs are needed. Staff will bring these items back to Council if repairs in excess of normal wear and tear maintenance are required.

FISCAL IMPACT

There are funds available in the 2019/2020 Fiscal Year budget for the Housing Program Fund. (7011-7040-1418910). The current fund balance is \$1,697,960

Approximate costs associated with the foreclosure of the loan are as follows:

Payoff to Dovenmuehle Mortgage:	\$135,000.00 approx.
Foreclosure fees, title and escrow:	\$ 4,000.00 approx.
<u>Property Clean-up:</u>	<u>\$ 3,500.00 approx.</u>
Approximate Total	\$142,500.00

RECOMMENDATION

Adopt Resolution No. 8814 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE ACTING CITY ADMINISTRATOR AND/OR MAYOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTIES LOCATED AT 1250 ROBINSON ST., OROVILLE - (012-02-2139).

ATTACHMENTS

Resolution No. 8814

CITY OF OROVILLE
RESOLUTION NO. 8814

1

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING
THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND
ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE
FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 1250
ROBINSON ST., OROVILLE (APN 012-079-008)

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NOW THEREFORE, be it hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute all documents and any amendments thereto necessary to initiate and complete foreclosure proceedings on 1250 Robinson St., Oroville, California; and
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on September 17, 2019, by the following vote:

11
 AYES:
 12
 NOES:
 13
 ABSTAIN:
 14
 ABSENT:
 15
 16
 17

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

19

 Scott E. Huber, City Attorney

Jackie Glover, Assistant City Clerk

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22
23
24
25

26
27



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: MIKE MASSARO, CONTRACT CITY ENGINEER
RE: REQUEST FOR STREET NAMES CHANGE
DATE: SEPTEMBER 17, 2019

SUMMARY

The council may approve the two proposed names of streets. One is a name change for a new development and the other is a new court for a subdivide parcel.

DISCUSSION

The Acacia Estates subdivision was annexed into the City on August 5, of 2008. The adopted parcel map included 20 future parcels with two courts with names listed as “Parkwood Court” and “Phyllodes Court”. The 14 parcels on the “Phyllodes Court” are moving forward for development and final conditions of approval for building homes are being met. The developer and land-owner has asked for a name change of the street from “Phyllodes Court” to “Hawley Trail”. This name has been vetted by City Planning and GIS staff and does not conflict with existing names in the City or County. Staff have agreed to move the request forward to planning commission for conditions and approval. Planning commission has approved the name change.

Conner property on Valley View Drive was recently subdivided and driveway needs to be converted to Court access to two distinct parcels. Property owners have requested access road be named “Conner Court”. This name has been vetted by City Planning and GIS staff and does not conflict with existing names in the City or County. Staff have agreed to move the request forward to planning commission for conditions and approval. Planning commission has approved the name change.

FISCAL IMPACT

A. None

RECOMMENDATION

Staff recommends approving the names suggested and adding them to the City Map.

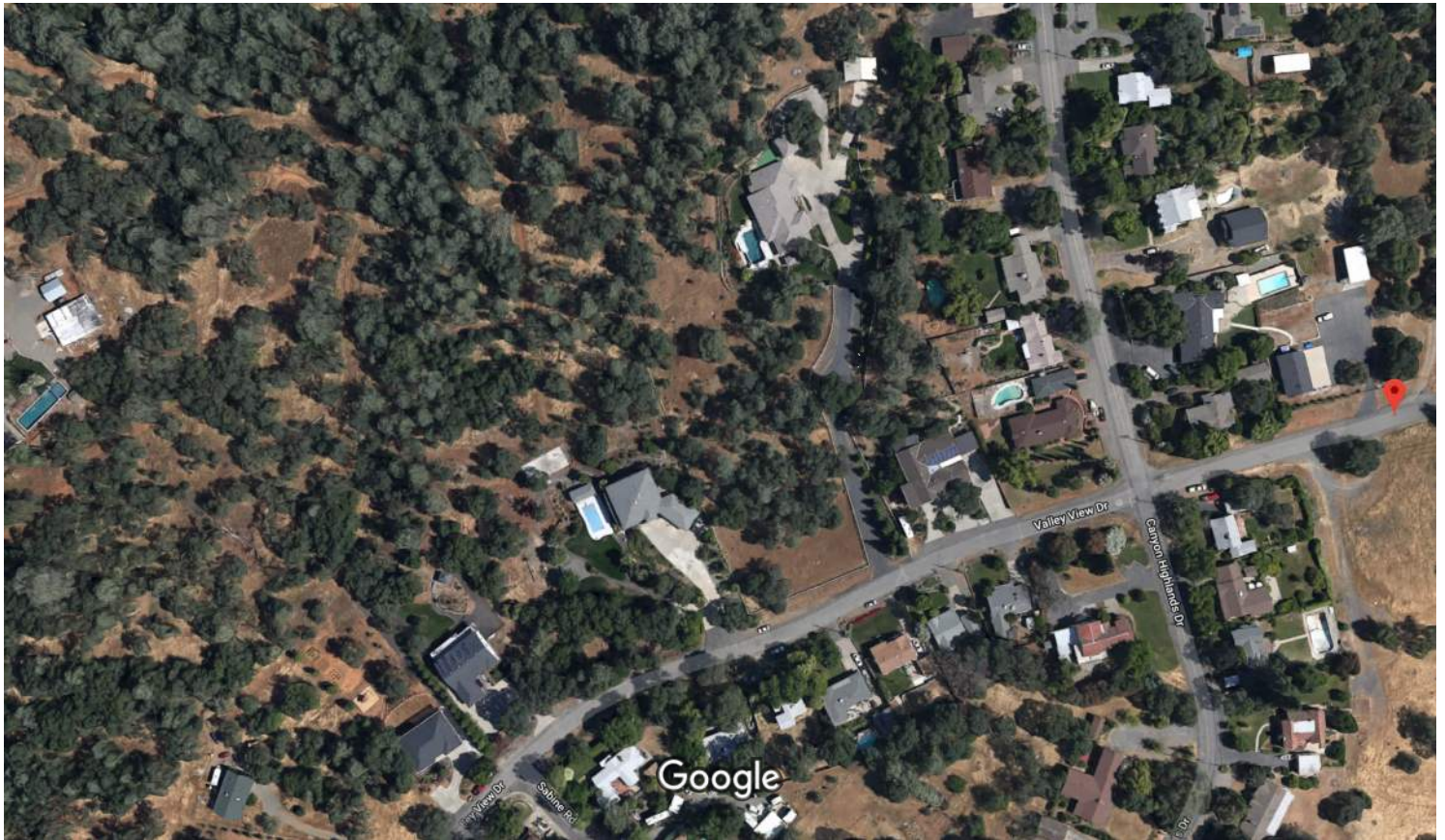
ATTACHMENTS

Google Maps image of future street/court – Hawley Trail
Google Maps image of future street/court – Conner Court



Valley View Dr
Future Conner Court

Item 4.



Imagery ©2019 Google, Map data ©2019 100 ft



Acacia Ave

Acacia Estates - future Hawley Trail

Item 4.



Imagery ©2019 Google, Map data ©2019 100 ft



Acacia Ave

Oroville, CA 95966



Directions



Save



Nearby



Send to your phone



Share

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**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: MIKE MASSARO, CONTRACT CITY ENGINEER
PUBLIC WORKS DEPARTMENT**

**RE: State Route 162 ATP and CMAQ Project Design – Consultant
Selection and Contract**

DATE: September 17, 2019

SUMMARY

The Council may consider approving the selection of Mark Thomas and Co to provide design and project management services for the Grant funded State Route 162 Pedestrian/Bicycle Disabled Mobility and Safety Improvements Project.

DISCUSSION

This project was submitted to Caltrans under the ATP Cycle 3 competitive grant process and the project was awarded funding in 2016. The grant is intended to pay for the Design, Construction Management, and Construction of the project.

The City of Oroville has been awarded Congestion Mitigation and Air Quality (CMAQ) and Active Transportation Program (ATP) funding in the amount of \$540,000 and \$3,411,000 respectively. The CMAQ funding is intended to generate the Plans Specifications and Construction Estimate documents for this “SR162 Pedestrian/Bicycle Disabled Mobility and Safety Improvements Project”. The CMAQ funds have been allocated for Fiscal Year 2018/2019. The project is located along Hwy 162 (Oro Dam Blvd) in Oroville, California from the Feather River and HWY 70 to Foothills Boulevard. The project includes a comprehensive set of active transportation infrastructure connectivity and safety improvements.

The project is also incorporating an older Bicycle Transportation Account (BTA) Grant from 2013 that will include bike lanes and signage from Feather River Blvd to Foothills Blvd. The money remaining from the BTA project will be allocated to the ATP project design effort and provides for another \$104,000 to complete the design of both the ATP and BTA scope of work.

The ATP Project Proposals were received on June 11, 2019. Proposals were received from GHD, Inc. and Mark Thomas & Co. Both firms were invited for interview on July 23, 2019. Firms were evaluated by Public Works Supervisor, Housing Management Analyst, and the Contract City Engineer with Mark Thomas & Co receiving the highest

score. Negotiations on scope and fee were held on August 23, 2019 with Bennett Engineering's Project Manager and the City Administrator. Final scope and fee were provided on Sept. 6. 2019.

This project will be coming back to council on multiple occasions for updates and approvals. These milestones are listed below:

- Approval of RFP for construction management services
- Approval of selected construction management team
- Approval to bid the project for construction
- Approval of selected low bid contractor
- Construction progress presentation
- Construction close out presentation and final budget review

The project scope, schedule, and fee for the project design are attached for review.

FISCAL IMPACT

- a. Base Contract of \$580,000 with a 10% design contingency (\$58,000). All design costs are reimbursable through Caltrans Department of Local Assistance via CMAQ, BTA, and ATP grant allocations. Local cost share is being met by Local Transportation Fund already allocated to project and grant/project management.

RECOMMENDATIONS

Approve the selection of Mark Thomas & Co and authorize the Mayor to sign the Contract for Design Services.

ATTACHMENTS

Project Exhibit, Consultant Scope, and Fee Estimate.

COST PROPOSAL FOR PROJECT SCOPE: Oroville-SR 162 Bike Ped Disabled Mobility & Safety Project

Item 5.

	MARK THOMAS														Subconsultants				TOTAL COST	
	Principal	Sr. Project Manager	Project Engineer	Design Engineer II	Design Engineer I	Sr. Technician	Survey Manager	Project Surveyor	Survey Technician	2 Person Field Crew	Project Accountant	Sr. Project Coordinator	Sr. Project Assistant	Total Hours	Total MT Cost	AIM DBE	Crawford & Associates Non-DBE	GPA DBE		Y&C Transportation DBE
PROJECT MANAGEMENT COORDINATION & DOCUMENTATION																				
1.0 PROJECT MANAGEMENT COORDINATION & DOCUMENTATION																				
1.1 Project Management	4	80									8	16	4	112	\$21,616			3,652		\$25,268
1.2 Meetings		50	50											100	\$17,450			1,615		\$19,065
1.3 Quality Assurance/Quality Control			80											80	\$10,640					\$10,640
Subtotal Phase 1	4	130	130	0	0	0	0	0	0	0	8	16	4	292	\$49,706	\$0	\$0	\$5,267	\$0	\$54,973
2.0 TOPOGRAPHIC SURVEY & BASE MAPPING																				
2.1 Control Surveys							4	4	8	10				26	\$4,418					\$4,418
2.2 Record Level Right of Way Mapping							16	40	60	20				136	\$18,112					\$18,112
2.3 Topographic Base Mapping							4	16	52	50				122	\$19,698					\$19,698
2.4 Orthoimagery							2	4	8	10				24	\$4,074					\$4,074
2.5 Utility Mapping			8		80									88	\$8,504					\$8,504
Subtotal Phase 2	0	0	8	0	80	0	26	64	128	90	0	0	0	396	\$54,806	\$0	\$0	\$0	\$0	\$54,806
3.0 ENVIRONMENTAL STUDIES & DOCUMENTATION																				
3.1 Preliminary Environmental Study (PES)		4	8		16									28	\$3,416			10,806		\$14,222
3.2 NEPA Technical Studies														0	\$0					\$0
3.2.1 Visual Impact Memo			4											4	\$532			1,916		\$2,448
3.2.2 Temporary Occupancy Memo (Section 4f)			4											4	\$532			1,935		\$2,467
3.2.3 Initial Site Assessment			4											4	\$532		8,583			\$9,115
3.2.4 Location Hydraulic Study Form and SFER			4											4	\$532					\$532
3.3 Notice of Exemption / CE														0	\$0			1,109		\$1,109
Subtotal Phase 3	0	4	24	0	16	0	0	0	0	0	0	0	0	44	\$5,544	\$0	\$8,583	\$15,766	\$0	\$29,893
4.0 PUBLIC & STAKEHOLDER OUTREACH																				
4.1 Stakeholder Database														0	\$0	6,911				\$6,911
4.2 Public Meetings		16	16		40									72	\$9,304	14,195				\$23,499
4.3 Property Owner Coordination Meetings		48	60		40									148	\$22,068	5,897				\$27,965
4.4 City Council Presentations		16	8		24									48	\$6,752					\$6,752
Subtotal Phase 4	0	80	84	0	104	0	0	0	0	0	0	0	0	268	\$38,124	\$27,003	\$0	\$0	\$0	\$65,127
5.0 UTILITY COORDINATION																				
5.1 Prepare Conflict Mapping			8	24	40									72	\$7,568					\$7,568
5.2 Utility Coordination Meetings		16	40											56	\$8,776					\$8,776
5.3 Prepare Caltrans LAMP Utility Certification Documentation			40	24										64	\$8,104					\$8,104
Subtotal Phase 5	0	16	88	48	40	0	0	0	0	0	0	0	0	192	\$24,448	\$0	\$0	\$0	\$0	\$24,448
6.0 PLANS, SPECIFICATIONS & ESTIMATE																				
6.1 Preliminary Design		8	40	60	120									228	\$25,168				4,842	\$30,010
6.1.1 Storm Water Data Report		4	40		120									164	\$17,344					\$17,344
6.1.2 Roadway Drainage Memorandum		4	24		60									88	\$9,636					\$9,636
6.2 65% PS&E		16	120	80	460									676	\$71,476				19,854	\$91,330
6.3 95% PS&E		8	60	80	300									448	\$46,888				16,832	\$63,720
6.4 100% PS&E		8	40	60	160									268	\$28,888				9,884	\$38,772
6.5 Request for Authorization Package		8	40	20										68	\$9,368				2,941	\$12,309
Subtotal Phase 6	0	56	364	300	1220	0	0	0	0	0	0	0	0	1940	\$208,768	\$0	\$0	\$0	\$54,353	\$263,121
7.0 PERMITTING																				
7.1 Permits to Enter & Construct		4	24		80									108	\$11,496					\$11,496
7.2 Caltrans Encroachment Permit (PEER)		4	40		80									124	\$13,624					\$13,624
7.3 CPUC Coordination		8	16		40									64	\$7,576					\$7,576
7.4 CVFPB Encroachment Permit		2	4		16									22	\$2,452			4,658		\$7,110
Subtotal Phase 7	0	18	84	0	216	0	0	0	0	0	0	0	0	318	\$35,148	\$0	\$0	\$4,658	\$0	\$39,806
8.0 BIDDING & CONSTRUCTION ASSISTANCE																				
8.1 Bidding Assistance		4	16		16									36	\$4,480				285	\$4,765
8.2 Construction Assistance		4	40		40									84	\$9,904				3,497	\$13,401
8.3 As-Built Drawings			4		40									44	\$5,012				1,048	\$6,060
Subtotal Phase 8	0	8	60	0	56	40	0	0	0	0	0	0	0	164	\$19,396	\$0	\$0	\$0	\$4,830	\$24,226
TOTAL HOURS	4	312	842	348	1732	40	26	64	128	90	8	16	4	3614						
OTHER DIRECT COSTS															\$14,744	\$1,750	\$2,237	\$3,854	\$817	\$23,402
TOTAL COST	\$1,432	\$67,392	\$111,986	\$40,368	\$161,076	\$4,480	\$4,472	\$9,024	\$9,856	\$22,950	\$752	\$1,808	\$344		\$450,684	\$28,753	\$10,820	\$29,546	\$60,000	\$579,803
OPTIONAL TASKS																				
6.2.1 Optional Task: Signal Modification at SR 162/Feather River Blvd			16		80										\$9,568				13,000	\$22,568
6.2.2 Optional Task: Signal Modifications for upgrading detection loops, APS's, and push buttons			24		40										\$6,912				103,450	\$110,362
Subtotal Optional Tasks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$16,480	\$0	\$0	\$0	\$116,450	\$132,930
TOTAL HOURS - OPTIONAL	0	0	40	0	120	0	0	0	0	0	0	0	0	0						
OTHER DIRECT COSTS - OPTIONAL																				
TOTAL COST - OPTIONAL	\$0	\$0	\$5,320	\$0	\$11,160	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$16,480	\$0	\$0	\$0	\$116,450	\$132,930

SCOPE OF WORK

Mark Thomas will follow the scope of work below for the Oroville SR 162 Pedestrian/Bicyclist/Disabled Mobility and Safety Improvements in the City of Oroville (City). In the performance of this scope of services, Mark Thomas will diligently perform this scope of work and will be responsible for items of work under this contract to the extent that issues arising from the performance of these services are within our reasonable control, and the Mark Thomas' obligation to indemnify and defend are limited to the extent actually caused by Mark Thomas in the performance of this scope of work. Mark Thomas will provide contract documents (final) design services needed to perform the tasks noted below. All reports and/or studies, renderings and exhibits, plans and specifications, calculations, etc. developed by Mark Thomas will at a minimum comply with Caltrans and the City of Oroville standards. Electronic file deliverables will be in PDF (Portable Document Format), Microsoft (MS) Word, Microsoft (MS) Excel, and/or CAD (Autodesk AutoCAD Civil 3D 2018 format).

TASK 1. PROJECT MANAGEMENT AND DOCUMENTATION

Task 1.1. Project Management

This task includes project management time to manage the scope tasks below. Mark Thomas' Project Manager will plan, organize, direct and monitor project work activities and resources in accordance with contracted scope, schedule and budget. This task includes performing ongoing general project management with the client, subconsultants and stakeholders including preparing contract paperwork, monthly status reports, memo's, letters and e-mail, making phone calls and maintaining project files.

Task 1.2. Meetings

We will hold Project Development Team (PDT) meetings with subconsultants, City and Caltrans District 3 staff to ensure mutual understanding of the intended purposes, objectives, milestones and deliverables of the project. Mark Thomas will distribute a master Critical Path Method (CPM) schedule as a draft for review by the PDT. The draft CPM schedule will then be updated using comments received from the PDT. The CPM schedule will be updated at major project milestones and will be prepared using Microsoft Project software.

Meetings will generally be held centered on or near key project milestones. Mark Thomas will take the lead in conducting the meetings including preparation and distribution of the meeting agenda, arrangement of attendance of meeting participants, and preparation and distribution of meeting minutes, including the recap of actions to be taken prior to the next meeting. This scope assumes a PDT meeting once per month until the project is completed for a total of 12 PDT meetings. GPA will hold one (1) Kick-off meeting face to face followed by four (4) conference call meetings by phone.

Task 1.3. Quality Assurance/Quality Control

The Mark Thomas Quality Control plan consists of established procedures for performing the work (which are reassessed with each project), including methods for design calculations, establishing appropriate levels of design development for intermediate submittals, identification of regularly scheduled plan reviews, design checklists, and methods of project documentation. Specific methods for QA/QC will include:

- The Mark Thomas Quality Assurance Manager will perform an independent review of the project plans, estimates, and reports at each submittal for consistency, constructability, and accuracy.
- Design Technicians will use a "review stamp" for each round of changes which will track who commented on the plans, who checked the drafting, and when the final product was reviewed again by the design engineer.

Mark Thomas will implement and maintain these quality control procedures during the preparation of plans and documents throughout the project.



TASK 1 DELIVERABLES:

- Meeting Agendas and Minutes (12 Meetings)
- Monthly Status Reports
- CPM Master Schedule, Updated Monthly

TASK 2. TOPOGRAPHIC SURVEY AND MAPPING

Task 2.1. Control Surveys

Project control will be based on the California State Plane Coordinate system (CCS83), Zone 2, and vertically based on NAVD88. Horizontal values will be derived from static GPS observations to local NGS stations. Vertical values will be established by differential level run along Oro Dam Boulevard and Olive Highway based on NGS vertical benchmarks, unless other project control and datum is provided. It is assumed set project control will not be required to go through Caltrans review.

Task 2.2. Record Level Right of Way Mapping

Record research will be performed to locate recorded maps including, right of way maps, records of survey, corner records, and other official maps of record necessary to determine the right of way within the project area (approximately 3.6 miles). Right of way Lines as shown on record maps in the area will be plotted. The location of the right of way lines will be based solely on record mapping and a best fit of the line work based on the topographic data and/or monumentation found during the topographic survey. Time is not included to find physical evidence necessary to resolve the parcel lines. No Title reports or plotting of easements is included in this scope of work.

Task 2.3. Supplemental Topographic Surveys

Mark Thomas will conduct topographic surveys to supplement existing topographic data provided by Ben-en and conducted by Unico. Mark Thomas will verify the provided topographic survey by collecting a sample of spot shots within the provided topographic area but assumes the topographic data provided is accurate and suitable for design and takes no liability for errors or inaccuracies in the provided topo data. If any conflicts are discovered, the design team will be notified, and a path forward will be discussed. Mark Thomas will use existing provided datum and project control.

Supplemental topographic survey will be conducted along Oro Dam Blvd. (Hwy 162) between Hwy 70 southbound ramps and Feather River Blvd. also along Olive Hwy between Lower Wyandotte Rd. and Foothill Blvd. including approximately 430 LF along Lower Wyandotte Rd., and approximately 100 LF along Lincoln St. in the City of Oroville, California.

Topographic surveys will be performed using a combination of standard cross-sectioning techniques, intermediate survey ties, break lines and spot elevations using conventional total station methods, GPS and terrestrial scanning within the project limits to generate a digital terrain model (DTM).

Surveys will be conducted in areas described above designated as the following design improvements:

- 10' Multi-use Pathway (Approx. 760 LF)
- Sidewalk Gap Closure (Approx. 3750 LF)

Surveys will be limited to existing fence line or approximate right of way, and edge of traveled way. Data collected will include back of walk, curb and gutter, edge of pavement, edge of traveled way, above ground surface visible utilities. No underground facility locating is included for this scope of work. No crown of road is included in this scope. Up to one additional shot per cross section will be collected within the roadway to produce roadway cross slopes.

Task 2.4. Orthoimagery

Mark Thomas will coordinate with subconsultant Quantum Spatial (QSI) to establish flight control for Digital Orthophotography. QSI will adjust flight parameters to collect imagery with a native pixel size (ground sample distance) to meet 3" (7.5 cm) pixel resolution. Overall flight tolerances will be set to industry standards to support engineering accuracies and orthophotography specifications for design, utilizing the most nadir portion of each image to minimize lean effects inherent with photography. Photos will be collected during peak sun angles for the day (sun angle of $\geq 30^\circ$), under clear conditions with no clouds or cloud shadows. Images will be clipped to the approximately 300 feet past the existing edge of pavement (both sides of road) within the project limits. It is assumed set flight markers will not be required to go through Caltrans review.

Task 2.5. Utility Mapping

Mark Thomas will perform research at the City, County, State, utility companies and other agencies to obtain as-builts and record maps of the project limits. This includes preparation and mailing of the Utility "A" letter upon City approval. Mark Thomas will obtain utility mapping from utility companies and develop a utility base map. A Utility Matrix will be created to track discussions and data received from utility agencies.

Mark Thomas, with City staff, will perform a walking audit prior to concept development and 30% plans to identify anticipated ADA upgrades at intersections and driveways along the corridor. This effort will define the limits of ADA improvements to be included in the final design plans.

TASK 2 DELIVERABLES:

- AutoCAD C3D file with planimetric and DTM
- Topographic Survey point file in ASCII (PNEZD) format
- AutoCAD C3D file with Right of Way lines
- 4-band Color Orthophotos, tiled, TIF/TFW format fixed to CCS83, Zone 2.
- Utility Base Mapping

TASK 3. ENVIRONMENTAL STUDIES AND DOCUMENTATION

Task 3.1. Preliminary Environmental Study (PES)

At project initiation, GPA will work closely with the design team and the City to define a project description and delineate a project study area sufficient to support the completion of the Preliminary Environmental Study (PES) form. The project description will identify the project purpose and need, project objectives, project components, project location, and timing of the project. GPA will perform a review of available information to ensure that all pertinent information related to the existing site is considered.

Once all the necessary information is gathered and reviewed, GPA will prepare a PES Form and provide it to the City for their submittal to Caltrans. It is anticipated that Caltrans will require a field review of the project site during the PES process, which GPA will attend.

Task 3.2. NEPA Technical Studies

The following technical studies are anticipated to be required from Caltrans through the NEPA process. If Caltrans identifies the need for preparation of additional technical studies as part of the PES and/or Caltrans review process, GPA will complete these studies under a separate scope of work.

Task 3.2.1. Visual Impact Assessment Technical Memorandum



**SR 162 PEDESTRIAN/BICYCLIST/DISABLED MOBILITY
AND SAFETY IMPROVEMENTS PROJECT**

City of Oroville

GPA assumes that the project will have negligible impacts on visual resources and that a Visual Impact Assessment (VIA) Technical Memorandum will be the appropriate level of documentation to support the NEPA analysis. The VIA Memo will be prepared in accordance with the Caltrans SER. The memo will describe the existing visual setting and analyze visual impacts resulting from the project. GPA will summarize the results of the analysis in a technical memorandum that will outline the existing setting, project impacts, and recommended minimization measures, if necessary. GPA assumes that visual simulations will not be required for the project.

Task 3.2.2. Temporary Occupancy Memo (Section 4f)

As the project includes the addition of a bicycle path to connect to an existing path, if required by Caltrans, a Section 4(f) Temporary Occupancy Technical Memorandum (for signature by the Parks Department, or whichever local agency maintains the bike path) would be required in order to document that the project would not adversely affect the existing bike path. GPA will draft the required notification for the Parks Department as well as a template letter for signature. Caltrans District 3 will contact the Parks Department in order to obtain concurrence.

Task 3.2.3. Initial Site Assessment

Crawford & Associates, Inc. (CAInc) will provide an Initial Site Assessment (ISA) to evaluate the project corridor and adjacent properties for evidence of recognized environmental conditions (RECs) and/or potential RECs that may significantly impact the project. Crawford & Associates will coordinate and obtain the following permits necessary to complete our field work: City Encroachment Permit. We assume that the City of Oroville will waive their encroachment permit fee.

Task 3.2.4. Location Hydraulic Study Form and Summary Floodplain Encroachment Report

Preliminary research has identified that a portion of the project (i.e., the bicycle path connection) would be located within a 100-year flood zone and is also within a Central Valley Flood Protection Board “Designated Floodway”. Because of this, it is anticipated that a Location Hydraulic Study (LHS) and Summary Floodplain Encroachment Report (SFER) would be required for the project. As part of the GPA Team, Avila and Associates will provide services to complete an LHS and SFER for the proposed project in accordance with 23 CFR 650.113. The GPA team will transmit the draft reports to Caltrans on behalf of the City, respond to one round of Caltrans comments, and coordinate with Caltrans to obtain Caltrans approval and signatures on the final reports.

Task 3.3. Notice of Exemption/Categorical Exemption

It is assumed that the project would qualify as categorically exempt from CEQA under either CEQA Guidelines Section 15301: Existing Facilities or Section 15304 Minor Alterations to Land. GPA will prepare a Notice of Exemption (NOE) for the City’s use in documenting the categorical exemption after project approval. The NOE will include all elements as required pursuant to CEQA Guidelines Section 15062 and will include supporting documentation demonstrating the project’s compliance with the requirements of a CEQA CE. GPA assumes that City will file the NOE with the Butte County Clerk’s Office and pay applicable fees. GPA will file the NOE with the California State Clearinghouse.

TASK 3 DELIVERABLES:

- One (1) electronic copy and two (2) hard copies of the PES.
- One electronic copy and up to one hard copy will be provided of the Visual Impact Assessment Technical Memorandum.
- One electronic copy and one hard copy of the Section 4(f) Temporary Occupancy Technical Memorandum
- Draft and Final Initial Site Assessment (ISA)
- One (1) electronic copy and two (2) hard copies of the LHS and SFER
- One (1) electronic copy of the Notice of Exemption and supporting documentation for City’s use in filing with the Butte County Clerk’s Office. One (1) electronic copy of the Notice of Exemption filed with the California State Clearinghouse.



TASK 4. PUBLIC AND STAKEHOLDER OUTREACH

Mark Thomas and AIM will assist the City with the public outreach associated with the project.

Task 4.1. Stakeholder Database and Outreach Management

AIM will provide strategic advice and counsel, review study materials and reports, and monitor team communications. In addition, AIM will attend a project kick-off meeting in person and up to four regular Project Design Team (PDT) meetings by phone. AIM will develop and maintain a stakeholder database throughout the project's duration. This database will include stakeholder name, contact information as well as the preferred method of contact and potential key concerns and/or areas of study interest. AIM will work with the City and other consultants on the team to further identify key stakeholders.

Task 4.2. Public Workshops (2)

AIM will facilitate, plan, and coordinate two public workshops throughout the project's duration. AIM will secure the workshop venues, which will be located in and near the project area, develop a run of show for the workshops, and provide all workshop supplies. In coordination with the City and design team, AIM will design and develop informational materials to present and obtain input on proposed active transportation improvements. These materials may include but are not limited to board displays, fact sheets, comment cards, and sign-in sheets. Attendees will be asked to sign in and provide their contact information and will be added to the notification distribution list. AIM will record all comments and questions from the workshop and take photographs. AIM will then provide the City and project team with a comprehensive summary of the workshops.

AIM will develop and implement a comprehensive notification plan to ensure each public workshop is well-advertised by partnering with key stakeholders including local schools and businesses. AIM will also coordinate with the City and their existing communication channels to disseminate information and ensure that the community is informed throughout the study's duration. AIM will design and develop notification materials which may include but are not limited to electronic flyers and posters, social media content, and webpage updates.

Task 4.3. Property Owner Coordination Meetings

AIM will plan and coordinate up to six (6) focus group meetings with adjacent property owners nearby the project area. The focus group meetings will take place early on in the project process and provide an opportunity for the City and design team to introduce the project and discuss access points, driveway locations, and potential opportunities and challenges as they relate to proposed active transportation improvements in the area. AIM plans to schedule the focus group meetings over the course of several days.

AIM will schedule and coordinate the meeting venues, which will be located in and near the project area and provide a meeting supplies checklist for the City to use. In coordination with the City and project team, AIM will design and develop an agenda, facilitation plan, and informational project fact sheet for the City to use at the meetings. The City and Mark Thomas will be responsible for attending and facilitating the meetings, as well as providing all printed materials, equipment, and supplies.

Task 4.4. City Council Presentations

Mark Thomas, along with the City of Oroville, will coordinate and prepare a presentation to the City Council. This task includes time to prepare presentation and any visual aids needed for meeting.

TASK 5. UTILITY COORDINATION

Task 5.1. Prepare Conflict Mapping

Mark Thomas will build on the coordination performed in Task 2.3, which includes:

- Utility “B” Letter – Maps showing the utility mapping and the proposed improvements will be sent to the utility companies for verification.
- Utility “C” Letter – Final plans along with a letter will be sent to the utility companies showing the existing utilities and the final design.



Task 5.2. Utility Coordination Meetings

Based on utility conflict mapping, Mark Thomas will coordinate meetings with utility owners to determine the correct conflict resolution. Utilities along the corridor consist of overhead joint utility poles, underground gas, water, and storm drains. We will work with the utility owner to determine liability and time frame on relocations.

Task 5.3. Prepare Caltrans LAPM Utility Certification Documentation

In order for the City to obtain their right of way certification for their E76, they must complete the Caltrans LAPM Utility Coordination Process, and all forms associated with it. Mark Thomas will complete the Notice to Owner, Report of Investigation, and any Utility Agreements needed for all utilities within the limits of the project corridor. Mark Thomas will coordinate this utility package with Caltrans and ensure that everything is included that is needed to receive a signed right of way certification before bidding.

TASK 5 DELIVERABLES:

- Utility “B” Letters
- Utility “C” Letters
- Notice to Owner (14-D)
- Report of Investigation (14-E)
- Utility Agreements (14-F), if required for any relocations

TASK 6. PLANS, SPECIFICATIONS AND ESTIMATE

Task 6.1. Preliminary Design

We will prepare preliminary (30%) concept plans for the Project based on Caltrans and City standards and guidelines. The concept plans will include review of design features (such as lane widths, bike lane locations, buffer widths, sidewalk gap closures, mid-block crossing treatments, intersection modifications, and preferred trail alignments) and will be shared with the City for feedback. Refinements will be made during the PS&E task. Plan sheets will be prepared at 1”=40’.

Task 6.1.1 Storm Water Data Report

Mark Thomas will prepare a Storm Water Data Report summarizing the Project impacts to water quality, general minimization measures, and recommended best management practices (BMPs). The report will address only the impacts from the roadway improvements, and will utilize current Caltrans standard checklists.

Task 6.1.2 Roadway Drainage Memo

Mark Thomas will prepare a Roadway Drainage Memo that will summarize the findings from the Storm Water Data Report and provide recommended drainage inlet spacing and spreadwidth calcs for the Project.

TASK 6 DELIVERABLES:

- 30% Concept Plans
- Storm Water Data Report
- Roadway Drainage Memo

Task 6.2. 65% PS&E

Mark Thomas team will build upon the 30% plans and prepare draft construction documents for the Project using Caltrans and City standards and guidelines. The PS&E package will be submitted to the City for review. The plans will include the following sheets:

DESCRIPTION	SCALE	SHEET COUNT
Title Sheet	n/a	1
Typical Cross Sections	n/a	2
Key Map and Control	n/a	1
Project Control	n/a	1
Layouts	1"=40'	13
Temporary Water Pollution Control	1"=40'	13
Construction Details	Varies	4
Drainage and Utility Plans	1"=40'	13
Drainage and Utility Profiles	1"=10'	4
Drainage and Utility Details	Varies	4
Traffic Handling Plans	1"=10'	13
Traffic Handling Quantities	n/a	1
Signing and Striping Plans	1"=40'	13
Signing and Striping Quantities	n/a	1
Summary of Quantities	n/a	1
Electrical Plans, Quantities and Details	Varies	8
Total Roadway Sheets		93

Task 6.3. 95% PS&E

Following the 65% PS&E submittal, the Mark Thomas team will revise the plans based on comments from the City and Caltrans. Mark Thomas will prepare the contract documents using the City’s standard boilerplate. This task will include the effort needed to obtain final design approval and produce the final construction documents.

Task 6.4. 100% PS&E

Following the 95% PS&E submittal, the Mark Thomas team will revise the plans based on comments from the City and Caltrans. Final plans, specifications, and estimate will be produced for bidding purposes.

Task 6.5. Request for Authorization Package

Mark Thomas will prepare/complete Caltrans local assistance procedure form 3-D, Request for Authorization to Proceed with Construction. Additional local assistance forms required as a part of form 3-D will also be completed and combined for the project to create the RFA Package to submit to Caltrans. The City will assist Mark Thomas in providing information needed to complete the forms.

TASK 6 DELIVERABLES:

- Preliminary Concept Plans (30%) - Full Size PDF’s or Hard Copies as Needed
- Plans (65%, 95%, 100% Submittals) – Full Size PDF’s or Hard Copies as Needed
- Special Provisions (95% and 100%) – MS Word
- Construction Cost Estimate (60%, 95%, and 100%) – MS Excel
- Request for Authorization for Construction Package (all required forms)



TASK 7. PERMITTING

Task 7.1. Permits to Enter and Construct

It is anticipated that Permits to Enter and Construct (PTE's) will be required along the project corridor. From previous project experience, sidewalk gap closures usually require driveway reconstruction in order to tie into adjacent properties. Mark Thomas will require PTE's to enter parcels outside the right of way in order to construct new project improvements. Mark Thomas will support the City in acquiring signed PTE's by providing exhibits and letters for the City to send.

Task 7.2. Caltrans Encroachment Permit(PEER)

Mark Thomas will prepare a PEER document for project approval of the improvements along the SR 162 corridor. It is assumed that one (1) round of plan review will be needed to have the PEER document approved.

Task 7.3. CPUC Coordination

The SR 162 corridor has a grade separated crossing with Union Pacific Rail Road (UPRR) between Veatch Street and Lincoln Street, where SR 162 crosses underneath the rail line. Any modifications do the existing lane widths and striping (including adding bike lanes) will require coordination with the California Public Utilities Commission (CPUC) and UPRR. Modifications will require an approval using the GO 88-B Request Form. Mark Thomas will create exhibits and coordinate with CPUC and UPRR on the project and will obtain a signed Request Form for the crossing modifications.

Task 7.4. CVFPB Encroachment Permit

According to information provided by the CVFPB and its staff, the Feather River is a Designated Floodway (DF) that has been adopted by the CVFPB, without a federal levee. Encroachments within 300 feet of a DF require a CVFPB Encroachment Permit. Construction of bicycle/pedestrian trails from SR 162 to existing trails in Riverbend Park may require a CVFPB Encroachment Permit. To support acquisition of an Encroachment Permit, GPA will an application package for submittal to CVFPB, which would include:

- 3615 Form – Application for a Central Valley Flood Protection Board Encroachment Permit;
- 3615a Form – Environmental Assessment Questionnaire for Applications for Central Valley Flood Protection Board Encroachment Permits;
- Regional and Vicinity Maps;
- Photos of project site;
- CEQA documentation.

Following submittal of the Application Package, GPA will coordinate with CVFPB to respond to questions and support their issuance of the Encroachment Permit. It is anticipated that issuance of the Encroachment Permit would take up to one year from the time that the Application Package was submitted to CVFPB.

TASK 7 DELIVERABLES:

- Property Impact Exhibits/Signed Permit to Enter and Construct
- GO-88B Application
- Caltrans Encroachment Permit (PEER Process)
- CVFPB Encroachment Permit Application

TASK 8. BIDDING AND CONSTRUCTION ASSISTANCE

Task 8.1. Bidding Assistance

We will provide assistance to the City during the bidding process of the project. Work may include answering bid inquiries from prospective bidders, attending pre-bid meetings, and preparing addenda to the PS&E documents during the advertisement period. Mark Thomas has provided a “budget” amount to be used on a time and materials basis as requested by the City. Any time spent beyond this budget will require a contract amendment.

Task 8.2. Construction Assistance

We will provide assistance to the City during construction of the project. The work may include responding to Requests for Information (RFIs) by the contractor, providing consultation and interpretation of the contract documents, preparing Contract Change Orders (CCOs), reviewing shop drawings, and attending construction meetings and field visits. Mark Thomas has provided a “budget” amount to be used on a time and materials basis as requested by the City. Any time spent beyond this budget will require a contract amendment.

Task 8.3. As-Built Drawings

Upon completion of construction and during project closeout, Mark Thomas will prepare record drawings from a redlined set (provided by the City) documenting revisions to the final conformed bid set for City records.

TASK 8 DELIVERABLES:

- Record Drawings (As-Built) in Electronic Format

OPTIONAL TASKS

Optional Task 6.2.1 Signal Modification at SR 162/Feather River Blvd

Y&C will obtain electronic base plans and as-built signal plan for the Oro Dam Blvd (SR 162)/Feather River Blvd intersection from Mark Thomas and verify them in the field. Based on the obtained information, Y&C will prepare 65%, 95%, and 100% traffic signal modification plans, specifications, and cost estimates (PS&E) for the SR 162/Feather River Blvd intersection, which will reflect widening on the southwest corner to add an eastbound RT lane.

Optional Task 6.2.2 Signal Modifications for Upgrading Detection Loops, APS's, and Push Buttons

Y&C will obtain electronic base plans and as-built signal plan for the following intersection from Mark Thomas and verify them in the field:

- SR 70 SB Off-ramp/SR 162 (Oro Dam Road)
- SR 70 NB Off-ramp/SR 162
- SR 162/5th Street
- SR 162/Veatch Street
- SR 162/Lincoln Street
- SR 162/Meyer Street
- SR 162/Washington Ave-Olive Hwy
- Oro Dam Rod/Oroville Quincy Hwy
- Olive Hwy (SR 162)/Medical Center Drive
- Olive Hwy/Lower Wyandotte Rd

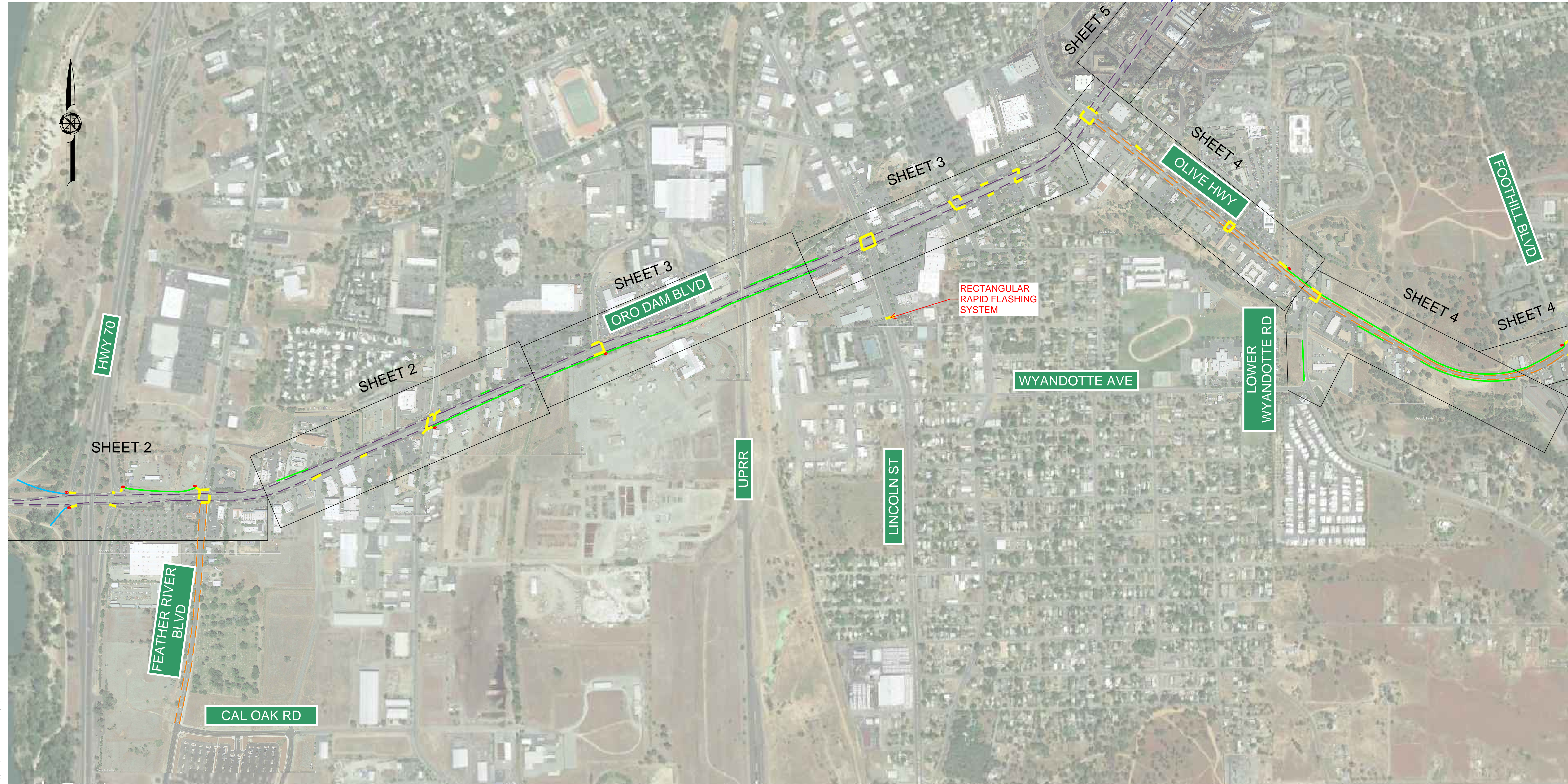


- **Olive Hwy/Foothill Blvd**

Based on the obtained information, Y&C will prepare 65%, 95%, and 100% traffic signal modification plans, specifications, and cost estimates (PS&E) for these intersections. The signal modifications will include installation of Type D detector loops for bike lanes and vehicle lanes to pick up bike detection (or using video detection system if approved by Caltrans), upgrade pedestrian pushbutton assemblies (PBA) to accessible pedestrian signals (APS), upgrade pedestrian signal heads to “count-down” type, and re-install PBA posts/conduits/pull boxes due to construction of curb ramps. It is assumed that all existing major mastarm signal poles will remain.

ASSUMPTIONS AND EXCLUSIONS

- PTE'S Will be letters only. Mark Thomas will not negotiate or discussion compensation.
- Potholing may be required to install new drainage facilities for the project. It is assumed that Mark Thomas can prepare utility base mapping and determine the need for potholing at a later date.
- As-builts will be provided by City/Caltrans.
- PEER Project Approval. A Project Report is not assumed at this time.
- No SWPPP/SMARTS Support needed from Mark Thomas
- Design Files for BTA Project Provided by City.
- The City will be responsible for securing the workshop venues, including obtaining insurance certificates.
- The City will responsible for printing and distributing all notification materials such as fliers and posters, as well as posting social media updates to the City's existing communication channels.
- No hydraulic modeling will be completed as part of the proposed project.
- No insurable structures will be impacted by the proposed project.
- Assume that the project will not cause a significant encroachment into the floodplain or a change in the water surface elevation. No FEMA coordination, or Conditional Letter of Map Revision (CLOMR) will be required.
- No Central Valley Flood Protection Board (CVFPB) coordination will be required.
- Avila will complete and sign the forms for items 3, 4, 5, 7 and 9 of the Location Hydraulic Study Report. Others will sign 1, 2, 6 and 8.
- The project area is outside of a federal levee and authorization from U.S. Army Corps of Engineers 408 Division would not be required. The Encroachment Permit would be processed and approved under CVFPB's Executive Officer Delegation and would not require full Board hearing and approval. Hydrology and Hydraulic Analysis would not be required. If a Local Maintaining Agency (LMA) has jurisdiction over the project site, the LMA would endorse the encroachment without conditions.
- Phase 2 ADL testing is not included in this scope. This item will be revisited upon completion of the ISA.
- No title reports will be required.
- No traffic control required for topographic surveys.
- No boundary resolution is included with this scope



LEGEND

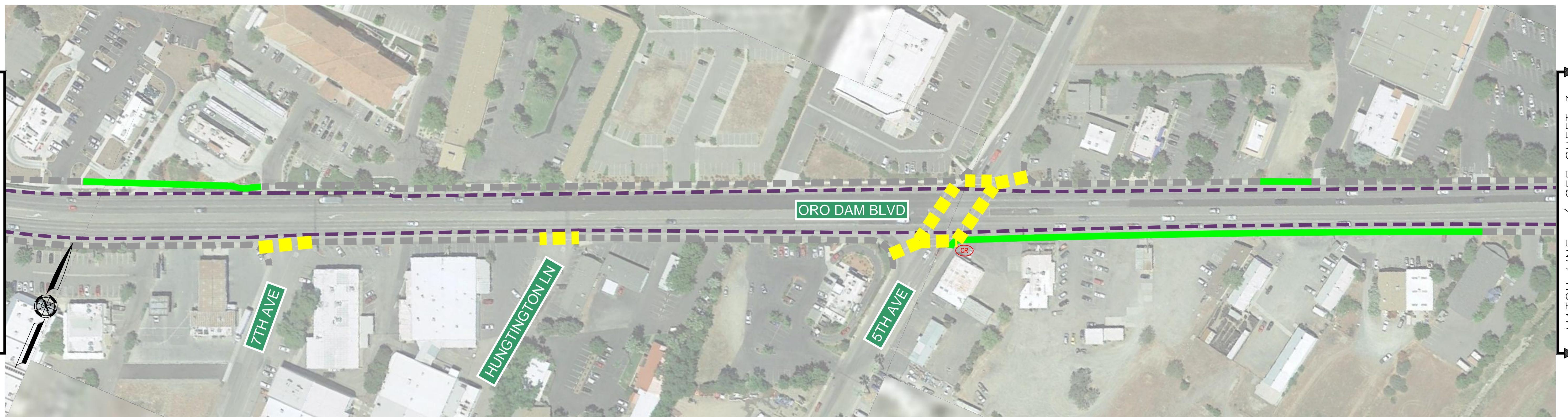
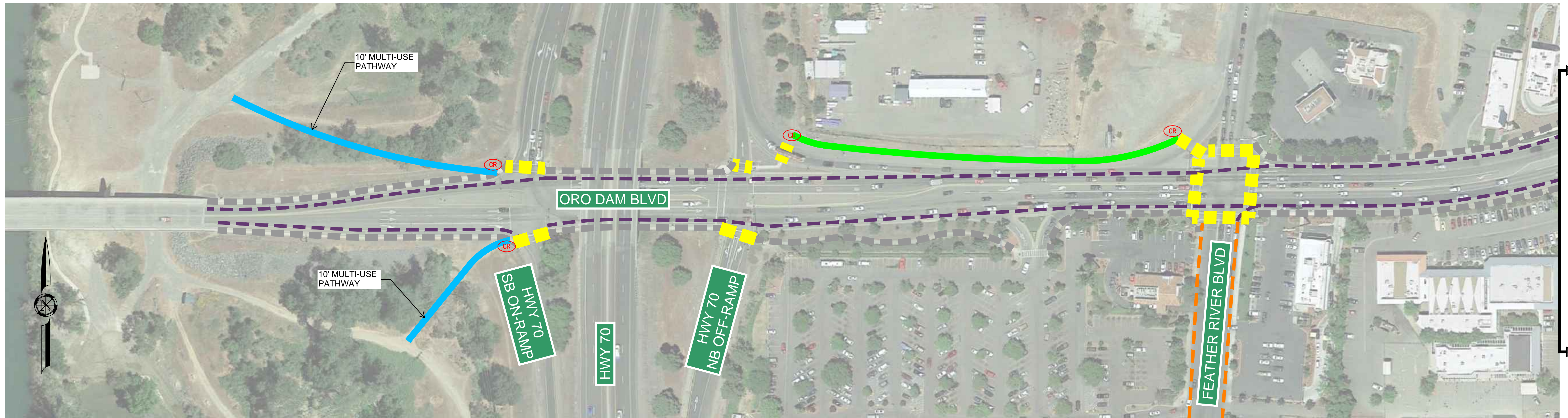
- | | | | |
|--|---------------------------------|--|---------------------------|
| | SIDEWALK GAP CLOSURE | | HIGH VISIBILITY CROSSWALK |
| | EXISTING SIDEWALK | | BUFFERED BIKE LANE |
| | BUFFERED BIKE LANE (FORMER BTA) | | CURB RAMP |

**OROVILLE SR 162
PEDESTRIAN/BICYCLIST/DISABLED
MOBILITY AND SAFETY IMPROVEMENT**

CONCEPTUAL DRAWING
NOT FOR CONSTRUCTION

APRIL 2019





LEGEND

- SIDEWALK GAP CLOSURE
- EXISTING SIDEWALK
- BUFFERED BIKE LANE (FORMER BTA)
- HIGH VISIBILITY CROSSWALK
- BUFFERED BIKE LANE
- CR CURB RAMP

**OROVILLE SR 162
PEDESTRIAN/BICYCLIST/DISABLED
MOBILITY AND SAFETY IMPROVEMENT**

CONCEPTUAL DRAWING
NOT FOR CONSTRUCTION

APRIL 2019





LEGEND

- SIDEWALK GAP CLOSURE
- - - EXISTING SIDEWALK
- - - BUFFERED BIKE LANE (FORMER BTA)
- - - HIGH VISIBILITY CROSSWALK
- - - BUFFERED BIKE LANE
- CR CURB RAMP

**OROVILLE SR 162
PEDESTRIAN/BICYCLIST/DISABLED
MOBILITY AND SAFETY IMPROVEMENT**

CONCEPTUAL DRAWING
NOT FOR CONSTRUCTION

APRIL 2019



MATCH LINE / SEE SHEET 5



MATCH LINE / SEE BELOW

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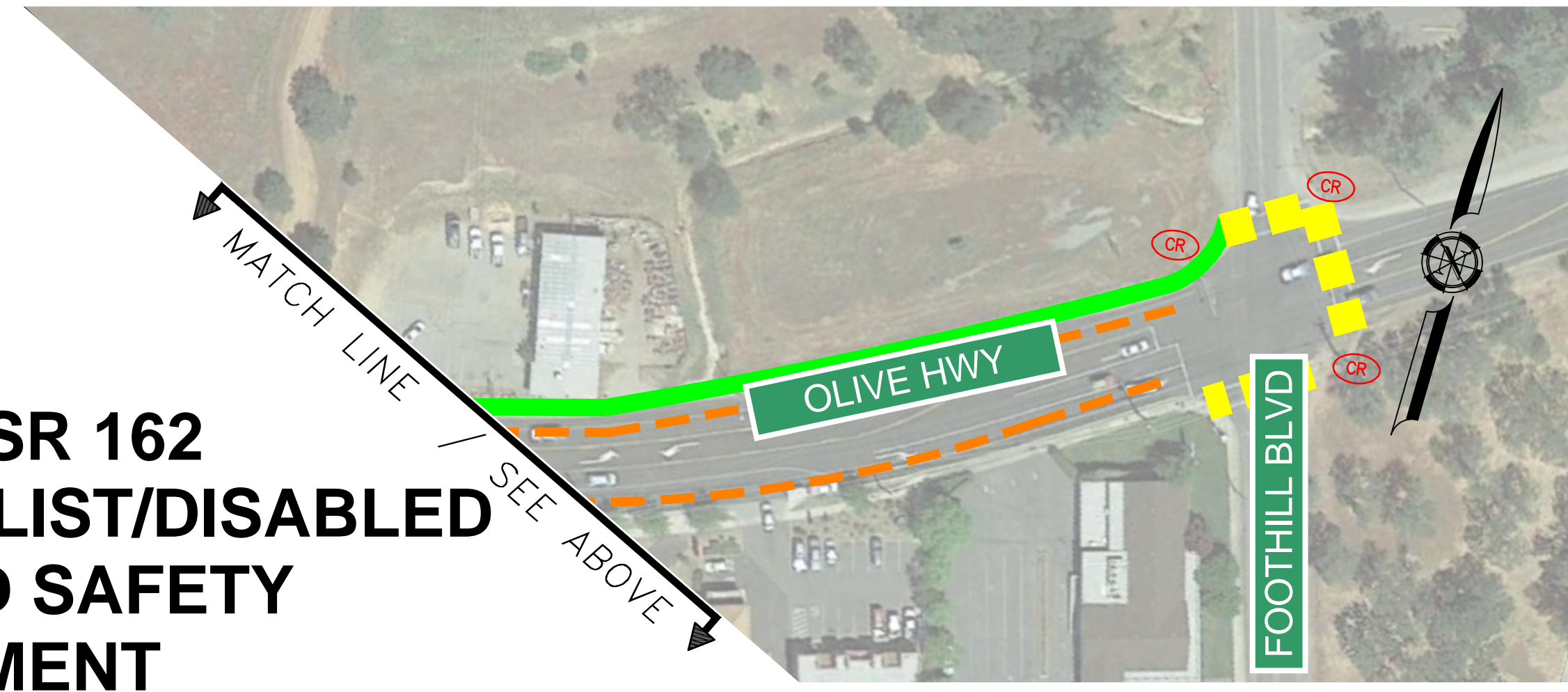


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**OROVILLE SR 162
PEDESTRIAN/BICYCLIST/DISABLED
MOBILITY AND SAFETY
IMPROVEMENT**



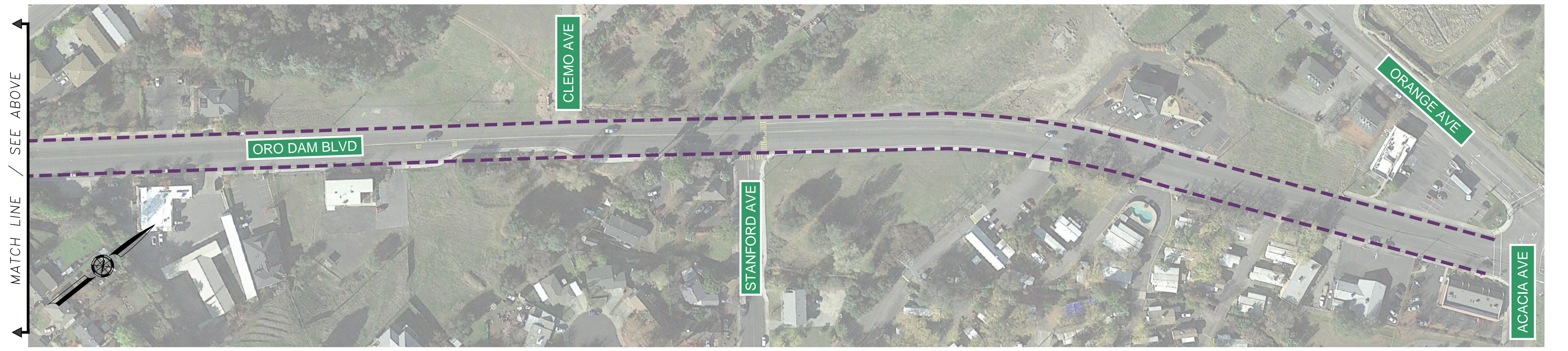
LEGEND

- SIDEWALK GAP CLOSURE
- - - EXISTING SIDEWALK
- - - HIGH VISIBILITY CROSSWALK
- - - BUFFERED BIKE LANE
- (CR) CURB RAMP
- - - BUFFERED BIKE LANE (FORMER BTA)

CONCEPTUAL DRAWING
NOT FOR CONSTRUCTION

APRIL 2019





LEGEND

- SIDEWALK GAP CLOSURE**
- EXISTING SIDEWALK**
- BUFFERED BIKE LANE (FORMER BTA)**
- HIGH VISIBILITY CROSSWALK**
- BUFFERED BIKE LANE**
- CR **CURB RAMP**

**OROVILLE SR 162
PEDESTRIAN/BICYCLIST/DISABLED
MOBILITY AND SAFETY IMPROVEMENT**

CONCEPTUAL DRAWING
NOT FOR CONSTRUCTION



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, CITY ADMINISTRATOR

RE: AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSAL FOR JANITORIAL SERVICE AT CITY HALL

DATE: SEPTEMBER 17, 2019

SUMMARY

The Council may provide direction to the City Administrator to release a Request for Proposal (RFP) for Janitorial services for City Hall, 1735 Montgomery Street.

DISCUSSION

City Hall is a point of service facility for the residents, business associates and other professional visitors to the City of Oroville. The building is old and is a component of our history and our heritage. The fact that it is should be a source of pride and all the more reason to clean it carefully and make sure that it is presentable to the City and a desirable place for our community to visit.

There has been no professional cleaning service for City Hall or the Council Chambers for many years. The cleaning is usually done by staff as time permits. Staff will usually stop their normal work and do the necessary cleaning to help keep their workplace and our City Hall clean. In an effort to improve the cleanliness of City Hall, staff request permission to release a request for proposal for professional janitorial services. See attached suggested request for proposal for additional details of cleaning services to provided.

Once the proposals are submitted staff will return to Council with a proposed contract for Council consideration.

FISCAL IMPACT

None

RECOMMENDATION

Authorize Staff to release a Request for Proposal for Janitorial Services at City Hall, 1735 Montgomery Street.

ATTACHMENTS

Request for Proposal for Janitorial Services



CITY OF OROVILLE

**1735 MONTGOMERY STREET
OROVILLE, CALIFORNIA 95965
(530) 538-2401**

CITY HALL

PROPOSAL

FOR

JANITORIAL SERVICES

Bid Opening Date: October 29, 2019 at Noon

CITY OF OROVILLE

PUBLIC NOTICE

Sealed Proposal for the following are being accepted:

JANITORIAL SERVICES

Will be receiving at the City Hall, 1735 Montgomery Street, Oroville, CA 95965 until **October 29th, 2019 12:00 P.M.**, at which time they will be publicly opened and read.

A mandatory “Walk Through” of the offices with a detailed explanation of expected level of services and specific criteria will be conducted on October 08th at 9am.

Bid specifications including bid proposal forms are available at City Hall - 1735 Montgomery Street, Oroville, CA 95965. Any questions should be directed to Jackie Glover at (530) 538-2535.

BID FORM
SERIVCES

JANITORIAL

Total Cost Part A		\$ _____.
TOTAL COST FOR SERVICES PER MONTH		\$ _____.
<p>Total Cost for Services per month will be _____</p> <p>(This entry must be written out)</p>		

The undersigned has checked carefully all of the above figures and understands that the City Council shall not be responsible for any error or omissions on the part of the undersigned in making up this bid.

In case of a discrepancy between words and figures, the words shall prevail.

The undersigned hereby certifies that this bid is genuine and not a sham or collusive, or made in the interest of or in behalf of any person not herein named, and that the undersigned has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, form or corporation to refrain from bidding, and that the undersigned has not in any manner sought by collusion to secure for himself an advantage over any other bidder.

The City reserves the right to reject any or all bids. The City reserves the right to delete or award all or part of the bid.

It is agreed that this bid may not be withdrawn for a period of forty-five (45) days from the opening thereof.

The terms and conditions of the final contract when executed shall control and supersede anything herein to the contrary or inconsistent with such contract.

Company Name

Date Area Code/Phone

Print Name

Signature

SPECIFICATIONS

For

JANITORIAL SERVICES

At

Oroville City Hall

SCOPE

This request should be bid based on services twice per week (Tuesday and Friday). The work schedule should be developed to allow for the following tasks to be done either every visit; every other visit or once per week; every other week; once per month; once per quarter.

The specification for JANITORIAL SERVICES is described as follows:

Requirement(s) GENERAL:	Every Visit	Once per Week	Every Other Week	Once Per Month	Once Per Qtr
Vacuum ALL Carpeted Floors	X				
Dust ALL Furniture		X			
Empty Waste Baskets	X				
Clean Telephones & SANITIZE		X			
Clean Equipment including photo copiers, computers, faxes, printers, etc.				X	
Clean Desk Tops including behind and around equipment, books, etc.		X			
Clean Ceilings, Corners and Check for Cob Webs					X
Clean all Interior Glass		X			
Dust ALL horizontal surfaces thoroughly	Front Office Counters X	X			
Clean/Mop/Wax ALL Hard Surface Floors		X Clean & Mop		X Wax	
Clean Stairways, Halls and other Traffic Areas		X			
PAY PARTICULAR ATTENTION TO THE PUBLIC ENTRANCE	X				

Requirement(s)	Every Visit	Once per Week	Every Other Week	Once Per Month	Once Per Qtr
Requirement(s) BATHROOMS:					
CLEAN & SANITIZE Toilets (including the bases and behind), Sinks, Urinals, Fixtures, Dispensers, etc.	X				
CLEAN Mirrors	X				
Empty Waste Containers	X				
CLEAN Walls, Partitions and any other vertical surface				X	
CLEAN/Wash all horizontal surfaces	X				
CLEAN/MOP/WAX ALL Floors	X				
Refill all Dispensers	X				
Requirement(s) KITCHEN:					
Vending machines, Refrigerator(s), Microwave, Toaster Oven, Television(s), Coffee Maker(s)				X	
Kitchen Sink and Counter(s) any horizontal surface	X				
Walls					X
Table	X				
Chairs					X
FLOOR	X				
Vending machines, Refrigerator(s), Microwave, Toaster Oven, Television(s), Coffee Maker(s)				X	

OTHER Specifics - Part B:

Washing, Dusting and Cleaning requirements extend to every room, office, area, and to everything in the building on a (reasonable) schedule, including but not limited to:

- Venetian Blinds, Vents & Returns – 1/Mo
- Files, Drawings, Maps and their containers - 1/Mo
- Clock, Wall Hangings, Wall Mounted Instruments, Bulletin Boards, wall mounted file holders and First Aid Stations - 1/Qtr
- Uprights, Cross Members, Feet, Bases, Legs & Wheels of Large Floor Standing Equipment, Benches – 1/Mo
- Conference Tables, and everything in the conference room(s) - 1/Mo

- Bins, File Caddies, trash receptacles and their lids, Mail Boxes, Safes, Fire Extinguishers or their wall mounted cases - 1/Qtr
- Junction Boxes, Breaker Boxes, Hot Water Heater – 1/Qtr
- Supplies, boxed, staked, stowed or stored - 1/Mo
- Door tops, Cabinet Tops, Shelves, Tops of Shelving – 1/Qtr
- Partitions & Window Sills - 1/Mo

Your proposal will require a returned signed copy of this Specification from the authorized submitter of the bid for this service:

Name of Company or Business

Printed Name of Signatory

Signature

Date



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, CITY ADMINISTRATOR

RE: EXECUTIVE STURCTURE REORGANIZATION

DATE: SEPTEMBER 17, 2019

SUMMARY

The Council may consider approving the restructure of the executive structure of the City and authorize the recruitment and reclassification of employees to fill those positions.

DISCUSSION

The City has been operating on a skeleton structure at all levels, this includes at the executive leadership level. The executive leaders of the City have either left for other employment or been laid off due to budget constraints. In 2011 the City had (7) seven Department Heads and (1) one City Administrator. As layoffs have occurred and employees have left there is now only a City Administrator and a Finance Director. The role of Police/Fire Chief is currently filled by an interim. All other positions have been absorbed by the City Administrator and the Finance Director. This is a very inefficient model to conduct day to day business.

There have been projects that have not been completed due to lack of oversight and proper prioritization with in City Departments. Some projects are ready to be implemented, however there was no leadership within the Department to move the projects forward. An example of these types of projects are the Montgomery Street Roundabout pedestrian safety improvements and the Fogg Avenue Drainage project.

To ensure succession of leadership staff is recommending a restructure. The new structure would be to meet the requirements of the City Charter and be financially sustainable. Article 6 of the City Charter requires the City have a City Attorney, a Treasurer, a City Engineer, a Street Supervisor, a Police Chief, a Fire Chief and a Health Officer. Since the inception of the Charter some of these positions have been retitled or eliminated. The Health Officer position has been eliminated and the Street Supervisor position has been retitled to Public Works Director.

It would not be prudent to return to the old model that was very top heavy and expensive. A new model that would include fewer Executive leaders would be more appropriate. Staff recommends a structure that includes one (1) City Administrator and three (3) Assistant City

Administrators (ACA). The three ACA's will be responsible for distinctive areas:

Assistant City Administrator: Development Services

Community Development, Engineering, Public Works, Parks and Trees, Streets, Sewer and Airport

Assistant City Administrator: Administration

Finance, Housing, Human Resources, Supplemental Benefit Fund, Assistant City Clerk

Assistant City Administrator: Public Safety

Fire, Police and Code Enforcement (Code Enforcement will be shared responsibility with Development Services)

The reason for this type of structure is to ensure that all Departments are represented appropriately and professionally in all areas. The City currently has placed responsibility for all areas of the City on too few individuals. Should something happen to one of the individuals or the City separate from one of the individuals, the organization becomes even more chaotic. It is extremely important for our community that a plan to move forward with or without an individual is in place. This structure allows for the removal of one executive leader without much disruption of delivery of service to the community. This type of structure also allows for the development of a future City Administrator. This structure will require the leaders to think and work as a group for the betterment of the City and not promote or allow for adversarial positions.

This type of structure allows for all areas of the City to be equally represented as projects move forward and various issues arise. An example of this would be the current ongoing discussions regarding homelessness. Homelessness is not a single area of responsibility. Homelessness is going to require cooperation and representation of all Departments of the City. It is often thought that homelessness is an issue of enforcement by the Police, this is not accurate. If we are going to be successful in helping the Homeless it is going to require all disciplines of the City be part of the discussions and ultimately part of the solution.

The City has survived over the past few years at staffing levels that only allowed for a reactive style of service. As things improve and the City continues to recover it is now necessary to grow as our resources allow us to grow. The City needs to be more responsive and take a more proactive approach to community issues. This structure puts the people in place to adequately assess Departments and advise the Council on the true needs of the Department. We must resist the urge to just do what we have always done. Proper assessment and placement of personnel will ensure a more efficient delivery of service to our Community.

It will be necessary to compensate these employees of the Council at a rate that keeps them in Oroville. Each year it has become more and more difficult to recruit and retain executive leadership. If the Council chooses this model and directs staff to fill these positions staff recommends the salary schedule below. Since each of these individuals will be employees of the Council, the Council will set where the employee comes in on the Salary schedule.

Proposed Salary Schedule:

A	B	C	D	E	F	G	H
\$118,720	\$124,965	\$131,540	\$138,465	\$145,750	\$153,425	\$161,500	\$170,000

FISCAL IMPACT

Fiscal impact is to be determined based upon the agreements the Council authorizes

RECOMMENDATION

Adopt Resolution No. 8815 - A Resolution of the Oroville City Council to authorize the restructure of the Executive leadership team and adopt salary schedule as listed above.

CITY OF OROVILLE
RESOLUTION NO. 8815

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE RESTRUCTURE OF THE EXECUTVE LEADERSHIP TEAM AND
ADOPTION OF THE NEW SALARY SCHEDULE

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

- 1. Authorize the restructure of the Executive leadership team
- 2. Adopt salary schedule as listed in staff report dated September 17, 2019
- 3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on
September 17, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Jackie Glover, Assistant City Clerk



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, CITY ADMINISTRATOR

RE: POTENTIAL CHARTER AMENDMENTS AND TIMELINE

DATE: SEPTEMBER 17, 2019

SUMMARY

The Council may direct staff to initiate the process to amend the Charter. Direction should include sections of Charter to be amended and timeline.

DISCUSSION

The Charter for the City of Oroville is the governing document as to the formation and structure of the City of Oroville. The Charter is a formal document that creates a legal entity. The Charter defines or mandates the functions and rules of conduct or governance for such entity.

The Charter for the City of Oroville has not been amended since 2004. The Charter has served the City well for many years, however with most things it too needs to be updated from time to time. The Charter is meant to be a living document that changes as the City and society changes.

Over the past few years the following suggested changes have been brought forward by Council, Community Members and Staff:

1. Reduce Council from (7) seven members to (5) five Members
2. Establish Districts to Elect Council Members as opposed to at large
3. Eliminate the City Treasurer
4. Change form of oversight from City Administrator to City Manager
5. Eliminate Impartial Arbitration for Fire Department
6. Eliminate the requirement to meet at 8:00pm at the first meeting in January after an election

All these potential changes must be approved by the Citizens of Oroville. It will be necessary to amend the Charter in numerous Articles to affect each change.

The reason for multiple Articles being amended is often one Article will affect another Article. To ensure that our Charter accurately reflects the will of the people it is necessary to make any approved changes in all the appropriate articles.

The timeline for any changes to be placed on the ballot for the primary election in March of 2020 is:

- 1. November 5, 2019 Resolution requesting consolidation of local measure
- 2. December 3, 2019 Ballot Measure due at County Clerk

If the Council, choose any of the items listed above or other items not mentioned it will be necessary for our legal Counsel to review the Charter and bring back potential new language and appropriate amendments. This is a tight timeline, it is essential the Council act decisively if we are going to meet these timelines

FISCAL IMPACT

None

RECOMMENDATIONS

Provide Staff direction

ATTACHMENTS

A - City Charter

THE CHARTER*

Article I.

§ 1. Name.

Article II.

§ 1. Boundaries.

Article III.

§ 1. Powers of the city.

Article IV.

§ 1. Elections.

Article V.

§ 1. Initiative, referendum and recall.

Article VI.

§ 1. Officers and employees.

Article VII.

§ 1. The council.

§ 2. Meetings.

§ 3. Quorum.

§ 4. Ordinances.

Article VIII.

§ 1. Mayor.

§ 1a. Vice mayor.

§ 2. Right of subpoena.

Article IX.

§ 1. Planning commission.

Article X.

§ 1. Park commission.

Article XI.

§ 1. City attorney.

Article XII.

§ 1. City clerk.

Article XIII.

§§ 1, 2. Repealed.

Article XIV.

§ 1. Expert accountant.

Article XV.

§ 1. City treasurer.

Article XVI.

§ 1. City engineer.

Article XVIa.

§ 1. Superintendent of streets.

Article XVII.

§ 1. Repealed.

Article XVIII.

§ 1. Chief of police.

Article XIX.

§ 1. Chief of fire department.

Article XX.

§ 1. Health officer.

Article XXI.

§ 1. Oath of office.

§ 2. Official bonds.

§ 3. Administering oaths.

§ 4. Compensation.

§ 5. Repealed.

Article XXII.

§ 1. Vacancies.

§ 2. Additional duties of officers.

Article XXIII.

§ 1. Library.

Article XXIV.

- § 1. Fiscal year.
- § 2. Tax system.
- § 3. Annual budget.
- § 4. Annual financial report.
- §§ 5—14. Repealed.

Article XXV.

§ 1. Limit of bond indebtedness.

Article XXVI.

§ 1. Repealed.

Article XXVII.

§ 1. Advertising the city; inducing immigration.

Article XXVIII.

- § 1. Street and other public improvements.
- § 2. Contract work.
- § 3. Interest in contracts, etc., prohibited.
- § 4. Contracts.

Article XXIX.

§ 1. Franchises.

Article XXX. Miscellaneous.

- § 1. Official records.
- § 2. General laws applicable.
- § 3. Continuing officers and employees.
- § 4. Continuing ordinances in force.
- § 5. Continuing contracts in force.
- § 6. Validity.
- § 7. When Charter effective.

Article XXXI. Initiative Measure to Be Submitted Directly to the Voters

- § 1. Title.
- § 2. Findings.
- § 3. City of Oroville’s boundaries, etc.
- § 4. Prison Initiative enacted.
- § 5. Transmittal to State.
- § 6. Severability.
- § 7. Amendment.

* **Editor’s note.** The Charter consists of Statutes 1933, p. 2904, as amended. It was adopted pursuant to section 8 of article XI of the state constitution, ratified by the qualified electors at a special municipal election held on October 22, 1931, approved and adopted by the state legislature and filed with the secretary of state on January 27, 1933. Amendments are indicated by the historical citations following the amended sections in parentheses. Unless so indicated, the Charter derives unchanged from the original act. A frontal analysis consisting of a numerical listing of the catchlines has been added and a uniform system of capitalization has been employed.

Article I.

Sec. 1. Name.

The municipal corporation now existing and known as the “City of Oroville” shall remain and continue a body politic and corporate in fact and in law, by the name of the “City of Oroville” and by such name shall have perpetual succession.

Article II.

Sec. 1. Boundaries.

The boundaries of the City of Oroville shall continue as now established, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

Article III.

Sec. 1. Powers of the city.

The City of Oroville may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may, subject to the restrictions contained in this Charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, or lease or otherwise dispose of the same in accordance with the terms of any gift, bequest or trust; may improve any river or channels flowing through the city or adjoining the same; widen, straighten and deepen the channels thereof, and remove obstructions therefrom; construct and maintain embankments and other works to protect the city from overflow.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Oroville or in any officer or employee thereof in his or her official capacity, at the time this Charter becomes effective,* as well as all liabilities in contract or tort and causes of action involving the same insofar as they affect the city and/or any officer or employee thereof in his or her official capacity which shall be outstanding at the time this Charter becomes effective, shall continue without abatement or modification by reason of any provision hereof.

All ordinances or resolutions in force at the time this Charter takes effect and not inconsistent therewith shall continue in force until amended or repealed.**

All public improvements or other proceedings legally authorized prior to this Charter shall be

carried to completion under previously existing laws or under this Charter.***

The powers or duties vested in city officers, boards or commissions by law superseded by this Charter shall be exercised, continued and carried out by their successors or by other city officers, boards or commissions, consistent with the provisions of this Charter.

All functions of the city, and the powers and duties of officers and employees charged with the performance therefor, as these shall have been apportioned among departments and officers, and institutions, utilities, bureaus or other subdivisions thereof, as existing at the time this Charter shall go into effect, shall continue to be the functions of such departments and offices and the powers and duties of officers and employees assigned thereto, except as in, or under the authority of, this Charter otherwise specifically provided.

The legally authorized officers and employees of each of said departments and officers or subdivisions thereof shall continue as the officers and employees of said departments and offices or subdivisions thereof, subject to the conditions governing their respective appointments to such positions and except as in this Charter otherwise provided; and where part of the functions and duties of any department or office are by this Charter transferred or placed in any other department or office, the persons performing such functions and duties, shall be transferred therewith.

The compensations legally authorized for the several officers and employees shall be continued subject to the other provisions of the Charter.

The city may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees and shall have all rights and powers appropriated to a city, subject only to the

restrictions and limitations provided in this Charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries of the city, and maintenance and operations of the same, and the exercise of functions or maintenance of services outside the boundaries of the city, including the expenditure of funds therefor through any agency.

The specifications or enumeration in this Charter of particular powers shall not be exclusive.

The exercise of all rights and powers of the city when not prescribed in this Charter shall be as provided by ordinance or resolution of the city council.

* As to effective date of Charter, see Char., art. XXX, § 7.
 ** See also, Char., art. XXX, § 4 as to ordinances continued in force.
 *** See also, Char., art. XXX, § 5 as to contracts continuing in force.

Article IV.

Sec. 1. Elections.

General elections shall be held in the City of Oroville on the first Tuesday after the first Monday in November of each even-numbered year, under and pursuant to the general laws governing elections, so far as the same may be applicable, and except as herein otherwise provided. Persons elected in April of 1981, or their successors, shall hold office until November 12, 1984, and persons elected in April of 1983, or their successors, shall hold office until November 10, 1986.

Where there are full council terms and short council terms to be filled, the persons elected by the highest number of votes shall be elected to the full term offices. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot. (1941, p. 3484; 1955, c. 185; amended by vote of the people, April 12, 1983)

Article V.

Sec. 1. Initiative, referendum and recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that initiative, referendum or recall petitions, must be signed by at least 25% of the number of electors voting at the last general municipal election.

Article VI.

Sec. 1. Officers and employees.

The officers of the City of Oroville shall be a mayor, six members of the council, a city clerk, a city attorney, a city treasurer, a city engineer, a street superintendent, a chief of police, a fire chief, a health officer, a planning commission, a park, playground and recreation commission, and a board of five library trustees; provided, the council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary.

The members of the council shall be elected from the city at large and shall hold office for four years and until their successors are elected and qualified.

The city clerk and one or more deputy city clerks shall be appointed and hold office at the pleasure of the city council.

The city treasurer shall be elected and shall hold office for four years and until a successor is elected and qualified.

All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter or as the council may provide

by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Except as otherwise provided in this Charter, where the appointment of any officer, assistant, deputies, clerks or employees is vested in the council, the appointment and removal must be made by a five-sevenths vote of the members. Where such appointment is vested in any other body the appointment and removal must be made by a four-fifths vote of the members of such body.

No increase or reduction shall be made in the compensation paid any appointive officer unless made by a five-sevenths vote of the council or a four-fifths vote of such other body. (1941, p. 3480; amended by vote of the people, April 12, 1983; amended by vote of the people, November 8, 1988)

Article VII.

Sec. 1. The council.

The legislative body of the City of Oroville shall consist of a mayor and six persons elected at large which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held therein every even-numbered year as hereinbefore provided.

They shall hold office for a period of four years from and after the first Tuesday in January next succeeding the day of their election and until their successors are elected and qualified; provided, the respective terms of the first council elected under this Charter shall be as follows, the three persons elected by the highest number of votes shall hold office for four years, the three persons elected by the next

highest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

The members of the council and the mayor shall receive as compensation five dollars for each regular meeting attended; provided, however, that the total sum to be received by any one councilmember shall not exceed the sum of ten dollars per month.

The members of the council shall not be elected or appointed to any office or employment with the city, except as otherwise provided in this Charter.

In the event of resigning they shall not be entitled to vote on the selection of their successors.

The council shall have the power by ordinance to provide for and appoint such other commissions and officials as may seem in its discretion necessary and proper, such officers shall serve at the discretion of the council, and at a salary to be fixed by the council.

The council shall have the power by ordinance to combine any city offices, which in its discretion seems for the best interests of the city. (Amended by vote of the people, November 8, 1988)

Sec. 2. Meetings.

The council shall meet at 8:00 p.m. on the first Tuesday in January following the general municipal election and canvass the returns thereof. Should the first Tuesday fall on a holiday, the meeting shall be held the following day.

The new members and all newly elected officers shall then be inducted into office and a vice mayor shall be appointed as provided in Article VIII, section 1a.

The council shall hold a regular meeting at least once a month at such time as it shall fix by ordinance.

Special meetings may be called at any time by the mayor or by three councilmembers in accordance with the provisions of Section 54056 of the Government Code of the State of California as the same may be from time to time amended.

All meetings of the council shall be held in the City Hall unless the council by ordinance provides for another meeting place, and all meetings shall be open to the public; provided, however, that whenever necessary or convenient to hold any meeting at some other place within the City of Oroville, the clerk may, upon written instruction by the mayor and after notice to the members of the council, designate another meeting place by posting written notice thereof at the regular place of meeting at least one hour prior to the time thereof. Such notice shall designate the place where and the time when such meeting is to be held, and a copy of such notice and the clerk's certificate of the posting thereof together with the mayor's instructions as aforesaid shall be read into and filed with the minutes of such meeting.

The council shall adopt rules for conducting its proceedings. (1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people, November 6, 1990)

Sec. 3. Quorum.

A majority of the council shall constitute a quorum for the transaction of any business, except as herein otherwise provided, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Sec. 4. Ordinances.

All proposed ordinances introduced in the council shall be in printed or typewritten form.

The enacting clause of all ordinances passed by the council shall read as follows: "The council of the City of Oroville do ordain as follows:".

The affirmative vote of a majority of the council shall be necessary to adopt any ordinance, resolution or claim against the city, which vote shall be taken by ayes and noes and entered upon the record.

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purposes are retained.

All ordinances shall be signed by the mayor and attested by the city clerk, and shall be published in an adjudicated newspaper of general circulation and circulated in the City of Oroville.

In lieu thereof, the publication of ordinances may be satisfied by either of the following actions:

1. The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city

council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment; or

2. If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter page in a newspaper of general circulation printed and published in the County of Butte and circulated in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

Notwithstanding the foregoing, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, and if passed by a five-sevenths vote shall be-

come effective immediately. (Amended by vote of the people, November 5, 1996)

Article VIII.

Sec. 1. Mayor.

The mayor shall be elected and shall hold office for four years and until his or her successor is elected and qualified.

The mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he or she shall assume general control of the city government, and all its branches and be responsible for the suppression of disorders and the restoration of normal conditions.

In the name and on behalf of the city he or she shall sign all contracts, deeds, bonds and other legal instruments to which the city is a party, and he or she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable and appropriate to have the city represented officially thereat.

He or she shall preside at all meetings of the council and shall vote as a member of the council, and shall receive such compensation as is hereinbefore provided for members of the council.

Sec. 1a. Vice mayor.

There shall be a vice mayor who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be a duly qualified and acting member of the council. In the event of the termination of his or her tenure of office as councilmember from any cause whatsoever, thereupon his or her tenure of office as vice mayor shall forthwith cease and determine. The appointment and removal of the vice mayor may be made by a majority vote of the council.

The vice mayor shall act as mayor pro tempore in the case of absence, illness, death or

other disability of the mayor and while so acting shall have all of the rights, powers and duties of the mayor.

Sec. 2. Right of subpoena.

The mayor or vice mayor shall have power to administer oaths and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the city council, and to witnesses examined in any investigation had by said council, or by any committee thereof duly authorized to make such investigation. Said mayor or vice mayor may issue subpoenas under his or her hand and the seal of such city, attested by the city clerk, to compel the attendance of witnesses before such city council or committee thereof. (1941, p. 3480.)

Article IX.

Sec. 1. Planning commission.

There shall be a board of planning commissioners consisting of the mayor as an ex-officio member without vote except in the case of a tie; and seven citizens to be appointed by the council to serve for four years each, without compensation.

The city planning commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the council creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the board of city

planning commissioners for report and recommendation.

It shall be the duty of the planning commission within thirty days from the receipt of any such request from the council for its recommendation in regard to any such ordinance, to make and file its report thereon with the council, and should said board of city planning commissioners recommend against the approval of any such ordinance herein mentioned, the council may adopt such ordinance only upon majority vote of the whole of said council.

Should the board of city planning commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said council may adopt such ordinance by a majority vote of the whole council.

All plans for the location of public parks or public playgrounds shall be submitted to the city planning commission for report and recommendation. Such report shall be advisory only.

The department shall make reports and recommendations to the council and to the various departments of the city government on all matters involving the location of such public improvements.

The city planning commission shall initiate studies and make reports and recommendations to the council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the mayor and council a report of its activities during the preceding year, and its proposals for the future. The first city planning commission under this Charter shall be appointed by the council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least

three of the four members appointed as afore-said shall have been members of the city planning commission immediately prior to this Charter taking effect. (1961, c. 181; amended by vote of the people, April 12, 1983; amended by vote of the people, November 6, 1990)

Article X.

Sec. 1. Park commission.

There shall be a park commission consisting of five members to be appointed by the council each to serve for a term of five years, without compensation.

The department of parks shall have the power and duty:

1. To manage and control the parks owned or operated by the City of Oroville.
2. To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without city limits.
3. To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boathouses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes.
4. To establish schedules of charges for special services.
5. To grant to the department of playgrounds and recreation the right to establish, maintain and operate playground and recreation facilities on lands under the control of the department of parks upon such terms and conditions as shall be fixed by the board of park commissioners.
6. To have charge over and care of trees, plants and lawns in parking along public

streets, subject to street improvements authorized by the city.

7. To appoint a superintendent of parks who shall have general supervision of all parks and under direction of the park commission.

Appropriation may be made from the general city funds for park purposes. All money arising from appropriations above referred to or received by the department of parks from fees, sales, gifts or otherwise in connection with the operation of the department shall be placed to the credit of the department of parks in a fund to be known as the park fund.

No money in the park fund shall be used for any purpose other than the financial support of the department of parks.

The board of park commissioners shall have power to control and order, in the manner in this Charter provided, the expenditure of all money coming into the park fund, or from the sale of bonds authorized by the city for financing the work of the park department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this Charter.

Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the city treasury to the credit of the park fund.

No real property shall be acquired by the city for park sites unless such sites are first approved by the board of park commissioners.

Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Whenever funds are donated by any person or persons for the acquisition or construction of

any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the mayor, subject to the conformation by a majority of the council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor.

In the event funds are donated in the manner provided for in this section for the maintenance of any such improvement at the time of construction thereof or otherwise, the council may, by ordinance, create a commission to be appointed under the provisions of this section, which shall have such powers and duties as to such construction or maintenance as may be conferred upon it by such ordinance.

All lands belonging to the city which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.

Article XI.

Sec. 1. City attorney.

There shall be a city attorney who shall be appointed by the city council, to hold office at the pleasure of the council. He or she shall be an attorney-at-law, admitted to practice before the supreme court of the State of California, and shall have been in actual practice in the state for at least three years next preceding his or her appointment.

All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable.

The city attorney shall be legal advisor of the council and all other city officials. He or she shall draft all ordinances, resolutions, contracts or other legal documents, or proceedings required by the council, or other officials, except as may be otherwise provided.

He or she shall prosecute personally on behalf of the people all contested criminal cases before the police court and shall perform such other legal services from time to time as the council may require without compensation in addition to his or her salary, unless such service requires his or her presence outside the City of Oroville.

He or she shall attend all meetings of the council unless excused therefrom by the council or mayor.

Article XII.

Sec. 1. City clerk.

The city clerk shall be the clerk of the council.

It shall be the duty of the city clerk or a deputy designated by him or her, to attend all sessions of the council and keep a full and correct record of the proceedings.

The proceedings of the council shall be kept in a book marked "Minutes of the Council." He or she shall keep a book marked "Ordinances," into which he or she shall copy all city ordinances, certifying that each is a full and correct copy of the original ordinance, and stating that the same has been published as required by law.

Said record copy so certified shall be prima facie evidence of the contents of the ordinance, and of its passage and publication, and shall be admissible as such in any court or other proceeding. Such record shall not be filed, but shall be returned to the custody of the city clerk. He or she shall also keep a book marked "Resolutions" into which he or she

shall copy all resolutions passed by the council.

Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed.

He or she shall conduct promptly, and keep a systematic record of, all correspondence between the council and others relating to city business.

He or she shall be the keeper of the corporate seal of the city and shall affix the same to instruments or writings requiring authentication.

He or she shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his or her custody or required by law or ordinance to be filed with him or her.

He or she shall report to the city council monthly, a detailed statement of the receipts and disbursements of the city government and the state of the various funds, and show the balances of the budgeted appropriation, and of any special improvement fund that may exist; and at the expiration of the fiscal year make a detailed statement of the receipts and disbursements of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the city council, and the amount of money expended under each, and the objects for which they were made. (Amended by vote of the people, April 12, 1983)

Article XIII.*

* Article XIII, of the Charter of the City of Oroville, relating to City Assessor and Board of Appraisers, is repealed. (Repealed by vote of the people, April 12, 1983)

Article XIV.

Sec. 1. Expert accountant.

The city shall retain a Certified Public Accountant to audit annually, in accordance with generally accepted auditing standards, the financial statements and accounts of the city.

It shall be the duty of the city clerk to keep on public display in his or her office a report of such audit for a period of sixty days after said audit has been filed. (Amended by vote of the people, April 12, 1983)

Article XV.

Sec. 1. City treasurer.

There shall be a city treasurer who shall be elected every four years at the general election. It shall be his or her duty to collect all taxes assessed by the city assessor otherwise.

He or she shall receive and keep safely all moneys and securities belonging to the city and coming into the hands, and pay out the same only on warrants signed by the proper officials, including the principal and interest due on bonds of the city, including improvement bonds.

The treasurer shall deposit within forty-eight hours of its receipt with a responsible banking institution, in the city, all funds coming into his or her possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law. (Amended by vote of the people, April 12, 1983)

Article XVI.

Sec. 1. City engineer.

There shall be a city engineer who shall be appointed by the city council to hold office at the pleasure of the council.

It shall not be necessary that he or she be a resident of the city at the time of his or her appointment.

As city engineer he or she shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his or her office and the work thereof, all of which he or she shall keep in proper order and condition, with full indices thereof.

He or she shall turn the same over to his or her successor upon relinquishing his or her office, who shall give him or her duplicate receipts therefor, one of which he or she shall file with the city clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or her or under his or her direction or control during his or her term of office, shall be the property of the city.

He or she shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also of all other matters of an engineering character.

He or she shall have been at the time of his or her appointment a licensed and practicing civil engineer for a period of at least three years.

All other things being equal an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

Article XVIa.

Sec. 1. Superintendent of streets.

There shall be a superintendent of streets who shall be appointed by the council, to hold office at the pleasure of the council. He or she shall perform such duties as may be pre-

scribed now or hereafter, by ordinance or the general laws of the state.

Article XVII.*

* Article XVII, of the Charter of the City of Oroville, relating to city court and city judge, is repealed. (Repealed by vote of the people, November 8, 1988)

Article XVIII.

Sec. 1. Chief of police.

There shall be a chief of police who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be the head of the police department of the city, shall make rules and regulations for the management of the department, and shall have all the powers that are now or may hereafter be conferred upon other peace officers by the laws of the state. It shall be the duty of the chief of police to preserve the public peace, and to suppress riots, tumults and disturbances. The orders of the chief of police shall be promptly executed by the police officers of the city, and every citizen shall lend the chief of police aid when so requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

The chief of police shall execute and return all process issued to the chief of police by legal authority. The chief of police shall have authority and it is hereby made the duty of the chief of police to arrest persons violating any law of the state or ordinance of the city.

Persons convicted of violating city ordinances and sentenced to jail may be confined in the county jail of Butte County. The chief of police shall have such other powers and duties as may be prescribed by the council by ordinance. (Amended by vote of the people, November 8, 1988; amended by vote of the people, November 5, 1996)

Article XIX.

Sec. 1. Chief of fire department.

There shall be a fire chief who shall be appointed by the city council and hold office at the pleasure of the council. He or she shall be head of the fire department of the city, and shall have charge of and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire, he or she shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including police officers, shall be subject to his or her orders.

The fire chief shall make rules and regulations for the government of the department, subject to the approval of the council.

Article XX.

Sec. 1. Health officer.

There shall be a health officer who shall be appointed by the city council and shall hold office at the pleasure of the council. He or she shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in and been granted credentials in public health work. He or she shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He or she shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs. (Amended by vote of the people, November 8, 1988)

Article XXI.

Sec. 1. Oath of office.

Every officer shall take and subscribe to the constitutional oath of office before entering upon the performance of his or her official duties.

Sec. 2. Official bonds.

All officers handling city funds and such other officers as the council may determine must give bonds for the faithful performance of their duties. The amount of said bonds shall be fixed by the city council. Such officers, before entering upon their official duties, shall execute a bond to the city in the penal sum required. Said bonds shall be approved by the council and filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor.

Sec. 3. Administering oaths.

Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this Charter, or by ordinance, shall have the power to administer oaths or affirmations, in connection with any matter appertaining to the business of the city.

Sec. 4. Compensation.

The council shall by resolution fix the compensation of all officers, also the compensation of all deputies, assistants and employees of such officers. (Amended by vote of the people, November 8, 1988)

Sec. 5. Reports of fees and commissions.

Article XXI Section 5, of the Charter of the City of Oroville, relating to reports of fees and commissions, is repealed. (Repealed by vote of the people, November 8, 1988)

Article XXII.

Sec. 1. Vacancies.

- A. Any vacancy occurring in any office, from whatever cause arising shall be filled by appointment by the council; and, in the case of a vacancy in the office of mayor, vice mayor, or councilmember such appointment may be made by a majority vote of the council; provided, further, that if such vacancy exists in any elective office, such appointee shall hold office only until the first Monday after the next succeeding general municipal election at which election a person shall be elected to serve for any balance of the unexpired term. Candidates for office for such unexpired term shall qualify in the manner provided in article IV, section No. 1 of this Charter.
- B. In the event a vacancy occurs in any elective office within twenty days before the next succeeding general municipal election then such vacancy may be filled by temporary appointment by majority vote of the council for the interim until the induction to office of councilmember elected thereat, at which time such vacancy shall be filled by the new council as hereinabove provided.
- C. In the event that a vacancy exists in any elective or appointive office and the council fails to agree or for any reason does not fill such vacancy within sixty days after the same occurs, then such vacancy shall be filled by appointment by the mayor. Such appointment shall be for the time and of like effect as though made by the council as hereinabove provided.
- D. In the event that the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and such election shall be

conducted substantially in the manner provided by law for holding general municipal elections.

- E. Except as herein otherwise provided, if any member of the city council of the city shall move from the city, or fail to attend three consecutive regular city council meetings without the permission of the council, or shall resign, or be convicted of a felony, or be adjudged insane, or dies, his or her office shall thereupon become vacant.
- F. Notwithstanding any provision in this Charter contained, whenever any person has been elected or appointed to office and for any reason fails or neglects to file the official oath or bond, if required, or for any reason fails to qualify within thirty days after the commencement of the term of office, the council may declare the office vacant and proceed to fill the vacancy as hereinabove provided. (1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people, November 6, 1990)

Sec. 2. Additional duties of officers.

In addition to duties herein specified, all officers and boards shall perform such other appropriate duties appertaining to their office as may be prescribed by ordinance or by the general laws.

Article XXIII.

Sec. 1. Library.

The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries. (Amended by vote of the people, April 12, 1983)

Article XXIV.*

* Secs. 5 to 14. Repealed by vote of the people, April 12, 1983.

Sec. 1. Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year, and end on the thirtieth day of June of the following year. (Amended by vote of the people, April 12, 1983)

Sec. 2. Tax system.

The council shall provide a system for the assessment, levy, and collection of city taxes upon real and personal property. By mutual agreement, the County of Butte shall perform those municipal functions which relate to the assessment of property for purposes of taxation, the equalization and collection of taxes levied for municipal purposes, the collection of assessments, and the sale of property for non-payment of taxes or assessments.

It shall be the duty of the finance officer, within the time prescribed by law, to compute the tax rates required to service outstanding municipal debt, and submit same to the city council.

Should the council fail to fix the tax rates within the time prescribed, then the tax rates of the previous year shall constitute the rates for the current year. (Amended by vote of the people, April 12, 1983)

Sec. 3. Annual budget.

On or before the first day of June of each year, the city administrator shall present to the council a proposed budget for the ensuing fiscal year. Such budget shall constitute the Preliminary Budget of the City of Oroville, and a copy of same shall be on file in the office of the city clerk. Not less than five days after the preliminary budget is filed, the city clerk shall fix a time for a budget public hearing.

Final adoption of the budget shall be not later than the first regular council meeting in July. Tax rates for purposes of the service of outstanding municipal debt shall be fixed not earlier than the first meeting in July, nor later than the last day of August. (Amended by vote of the people, April 12, 1983)

Sec. 4. Annual financial report.

It shall be the duty of the finance officer to prepare annually a consolidated financial report of the city, including such statements and schedules as may be necessary to adequately describe the financial condition of the city, and the results of its operations for the fiscal year. Insofar as practical, these statements shall be prepared in accordance with generally accepted accounting principles as applied to municipal corporations, and shall be subject to audit, as described in Article XIV above. (Amended by vote of the people, April 12, 1983)

Article XXV.

Sec. 1. Limit of bond indebtedness.

The bonded debt of the city shall at no time exceed a total of three and seventy-five one hundredths percent (3.75%) of the taxable value of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment, or maintenance of municipally owned public utilities shall not be counted as part of such limitation.

Provided further, however, that such bonds shall have been voted by the electors of the City of Oroville.

Provided further, that on the initiative of the council by an appropriate resolution, and a majority vote of the electors at the next general municipal election thereafter, this limit may be lowered or raised. (Amended by vote of the people, April 12, 1983)

Article XXVI.*

* Article XXVI of the Charter of the City of Oroville relating to "Special Taxes and Bonds" is repealed. (Repealed by vote of the people, April 12, 1983.)

Article XXVII.

Sec. 1. Advertising the city; inducing immigration.

The council may appropriate and spend money from the funds of the city for any or all of the following purposes: Exhibitions, celebrations, fairs, entertainment of public guests, inducing immigration, and generally for the purpose of advertising the city.

- A. Provided, however, that any amount so appropriated and spent is equaled by the public body soliciting such funds from the council, and that such appropriation made by the council does not constitute more than 50% of such expenditure contemplated.
- B. Provided further, that the total appropriated for such expenditure shall not exceed 4 cents on the \$100.00 of assessed valuation in any one year.

Article XXVIII.

Sec. 1. Street and other public improvements.

- A. The improvement, widening, extending, opening and closing of streets, or rights of way owned by the city, or in which the city has an easement, whether within or without the limits thereof, and the planting of trees thereon, and the making of other improvements authorized by laws of the state, may be done, and assessments therefor may be levied in conformity with, and under the authority conferred by the general laws of the state now in effect, or which may hereafter be enacted.

- B. Provided, that no such improvement shall be undertaken or enforced when the cost of such improvement exceeds the assessed valuation of any parcel of real property in front of which the improvement is to be made, as such assessed valuation appears on the assessment roll of the city for the previous year.

Where such improvement happens by reason of special conditions to exceed the assessed value of any one parcel of real property in the area to be improved, the city council may declare that it is in the public interest that such amount over said assessed valuation shall be paid from the general fund of the city.

If it appears that the assessed valuation of any one parcel of real property will prevent the formation of an improvement district, any citizen may call for a review of the assessed valuation of the real property in the proposed district, whereupon the board of appraisers shall reappraise and determine what valuation is right and proper.

Provided also, that the petitions for the improvement shall bear the signatures of the owners of 51% of the street frontage of property within the proposed district, before the city council can order the work to proceed.

- C. Provided, however, that the council may by ordinance adopt a procedure for the opening, extending, widening, closing and improvement of streets, alleys, rights of way or other public places, the laying of pipe and conduits, and the removal from buildings, lots and grounds, and the sidewalks opposite thereto, of dirt, rubbish, weeds, and other rank growth and materials, which may injure or endanger neighboring property, or the health or welfare of the inhabitants of the city, and for making and enforcing assessments

against the property benefited, or affected thereby, or from which removal is made, for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and city taxes.

- D. Provided, that no such ordinance shall prevent the council from proceeding under any of the general laws of the state now in effect or which may hereafter be enacted, subject, however, in all cases to the provisions of subsection B of this article; provided, however, that where the work or improvement undertaken under such ordinance or general law is necessary for the promotion or maintenance of public health or safety and the council by resolution so finds, the council may proceed subject to such ordinance or general law and the provisions of subsection B shall not apply thereto. (1941, p. 3480)

Sec. 2. Contract work.

In the erection, improvement and repair of all public buildings and works, in all street and sewer work or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, the Local Agency Public Construction Act of the State of California Public Contract Code as the same now exists or may hereafter be amended shall apply. (1955, c. 185; amended by vote of the people, November 8, 1988)

Sec. 3. Interest in contracts, etc., prohibited.

No officer or employee of the city shall be or become directly or indirectly interested in, or in the performance of, any contract, or work or business, or in the sale or purchase of any article, the expense, price, or consideration of which is payable from the city funds, or in the

purchase or lease of any real estate or other property belonging to or taken by the city, except in his or her official capacity, on behalf of the city.

If any person in this section designated, other than in such official capacity, shall, during the time for which he or she was elected or appointed, acquire an interest in any contract with or work done for the city or any department, branch or office thereof, or in any franchise, right, or privilege granted by the city, unless the same shall be devolved upon him or her by law, he or she shall forfeit his or her office and be forever barred and disqualified from being elected, appointed or employed in the service of the city, and all such contracts shall be voidable at the option of the city council.

The ownership of less than five percent of the capital stock or shares of a corporation or association with which a contract may be made shall not be considered as constituting an interest in the contract within the meaning of this section.

Sec. 4. Contracts.

The council shall advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Chapter 1 of Division 7 of Title 1 of the Government Code.

Any city officer may purchase and bind the city to pay for any item included in his or her budget not exceeding \$100.00 in any one complete purchase.

By order duly adopted by a vote of five members, the council may authorize any official to bind the city without advertising, in an amount not to exceed \$2,000.00.

All purchases shall be made and contracts for work shall be awarded in accordance with the Local Agency Public Construction Act of the State of California Public Contracts Code as the same now exists or may hereafter be amended. (1955, c. 185; amended by vote of the people, November 8, 1988)

Article XXIX.

Sec. 1. Franchises.

Every franchise or privilege to construct, maintain or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provision of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two percent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions not inconsistent with the constitution or general laws.

No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the council

given by ordinance and subject to the referendum.

Within six months after this Charter takes effect, every public utility and every owner of a public utility franchise, shall file with the city clerk, certified copies of all the franchises owned or claimed, or under which any such utility is operated.

The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the City of Oroville.

Article XXX. Miscellaneous

Sec. 1. Official records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of business of such department or office; provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering the fee for such copies or extracts, and an additional fee for certifying. The city council, by resolution duly adopted, shall set the fee to be charged for copies or extracts and for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control. (Amended by vote of the people, April 12, 1983)

Sec. 2. General laws applicable.

All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this Charter, or with ordinances hereafter enacted, shall be applicable to the City of Oroville.

The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against the general laws of the state.

Provided, that where a procedure for the exercising of any rights or powers belonging to a city, is provided by statute of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of this Charter. (1955, c. 185; amended by vote of the people, April 12, 1983)

Sec. 3. Continuing officers and employees.

All officers, assistants, and employees in office when this Charter takes effect, shall continue to hold and exercise their respective offices or employment, under and subject to the terms and provisions of this Charter until the election or appointment and qualification of their successors in the manner prescribed in this Charter.

Sec. 4. Continuing ordinances in force.

All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect,* and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

* See note to section 7 of this article.

Sec. 5. Continuing contracts in force.

All vested rights of the city shall continue and shall not in any manner be affected by the

adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder.

Sec. 6. Validity.

If any article, section, or part of a section of this Charter is held legally invalid, it shall not be held to invalidate or impair the validity of any other section or part of section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Sec. 7. When Charter effective.*

This Charter shall go into effect upon its approval by the legislature, except for the purpose of electing the officers provided for herein; for which purpose it shall go into effect on the expiration of the terms of the present elected officials.

* **Editor's note:** The Charter was approved by the state legislature and filed with the secretary of state on January 27, 1933.

Article XXXI. Initiative Measure to Be Submitted Directly to the Voters*

* **Editor's note:** This article was added in 2000.

Sec. 1. Title.

This measure shall be known as the People's Choice Prison Initiative (People's Initiative).

Sec. 2. Findings.

In order to maintain the quality of life as sought by the residents of the City of Oroville,

it is hereby accepted as a right and an obligation:

1. To preserve the current level of health and safety services and other welfare issues as they relate to the residents of the City of Oroville;
2. To maintain the right to an orderly and evenly distributed rate of growth, keeping within the ability of the city to accommodate growth without straining available resources, be they provided by man or be they natural;
3. To be able to preserve the quality of public services, health services, social workers, sewage treatment plants and landfill adequacy, which are often threatened by excessive and rapid population growth impacts.

In keeping within the process prescribed in the California Election Code, the voters of the City of Oroville hereby exercise their right to the Initiative process whereby a constituency may obtain the will of the voters to decide on important issues which impact them directly.

Therefore the people of the City of Oroville do ordain as follows:

Sec. 3. City of Oroville’s boundaries, etc.

That the entire City of Oroville, and all the territory included within the city boundaries are hereby zoned prison-free by the enactment of this, the People’s Initiative.

Sec. 4. Prison Initiative enacted.

Should this initiative be enacted, any consideration of prison or any facility that has a function of incarcerating or housing prisoners shall be put forth on the ballot for approval by the voters disclosing to them the following:

- a. The proposed location of the prison;

- b. The type of prison (e.g. maximum security, minimum security, etc.);
- c. The size of prison;
- d. How the various factors impacting the public shall be mitigated;
- e. A commitment from the state, federal or any other agency that they will pay for the increased cost of direct and indirect services that result from the prison and that any cost incurred by the enforcement of this Section (4), Subparagraph (e) shall be borne by them;
- f. Any and all potential changes to the disclosed information.

Sec. 5. Transmittal to State.

Upon adoption of this initiative, the city council shall immediately transmit a copy of the initiative to the Governor of the State of California, the California Department of Corrections, and all other appropriate state agencies.

Sec. 6. Severability.

If any subsection, part, subpart, paragraph, subparagraph, clause or phrase of this initiative or any amendments or revision of this initiative is for any reason held to be invalid, the remaining portions will not be affected, but will remain in full force and in effect.

Sec. 7. Amendment.

No part of this initiative shall be amended or repealed except by passage of a ballot measure approved by a majority of voting.

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THE CHARTER
Article XXXII.

Sec. 1. Impartial Arbitration for Fire Department.

A. **Impartial Arbitration - Declaration of Policy.** It is hereby declared to be the policy of the City of Oroville that strikes by fire fighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

B. **Prohibition Against Strikes.** No City of Oroville fire fighters shall willfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

C. **Obligation to Negotiate in Good Faith.** The City of Oroville through its duly authorized representatives, shall negotiate in good faith with recognized employee organizations which represent fire fighters, engineers and captains of the City of Oroville Fire Department on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City of Oroville and a recognized employee organization for the Fire Department bargaining unit, or a determination is made through the arbitration procedure hereinafter provided, no existing benefits or conditions of employment for said fire department employees shall be eliminated or changed.

D. **Impasse Resolution Procedures.** All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City of Oroville and the recognized Fire Department employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization.

Representatives designated by the City of Oroville and representatives of the recognized organization involved in the dispute shall each appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one of the seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the third arbitrator and Chairperson of the Arbitration Board.

Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately

with the parties and mediate or mede-arb issues and dispute. The Arbitration Board may also adopt s other procedures that are designated to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index of goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City of Oroville and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, incorporating any amendments or modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon the parties. The City of Oroville and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award and incorporate any amendments or modifications agreed to by the parties as provided above.

The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

E. Conflicts With Other Charter Provisions. This Article shall supersede all other provisions of the Oroville City Charter which may be in conflict with the requirements of this Article. (Added by vote of the people, March 2, 2004)

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